FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Grain Sorghums Bulletin 1]

PART 263—GRAIN SORGHUMS LOANS AND PURCHASE AGREEMENTS

SUBPART—1947

This bulletin states the requirements with respect to the 1947 Grain Sorghums Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) Loans and purchase agreements will be made available on grain sorghums produced in 1947 in accordance with this bulletin.

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AUTHORITY: §§ 263.101 to 263.124, inclusive, issued under authority contained in Article Third, paragraph (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a), 49 Stat. 4 as amended, sec. 302 (a), 52 Stat. 43; sec. 4 (b), 55 Stat. 498 as amended, 15 U. S. C., and Sup., 713 (a), 713a-8 (b), 7 U. S. C. 1302 (a).

§ 263.101 *Administration.* The program will be administered in the field by the county agricultural conservation committees under the general supervision of the State PMA Committee.

Forms may be obtained from county committees in areas where loans and purchase agreements are available, or from other field offices of PMA. County committees will determine or cause to be determined the quantity and grade of the grain sorghums, the amount of the loan, and the value of the grain sorghums delivered under a loan or purchase agreement. All purchase and loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 263.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible grain sorghums stored on farms in the States and counties for which loan rates are shown in § 263.124.

(2) Loans shall be available on eligible grain sorghums stored in approved public grain warehouses in all areas.

(3) Purchase agreements shall be available on eligible grain sorghums in all areas where loans are available.

(b) *Time.* Loans and purchase agreements shall be available through February 28, 1948.

§ 263.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA-97) or other forms prescribed by the Administrator.

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§ 263.104 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing grain sorghums in 1947, as landowner, landlord, tenant, or sharecropper.

§ 263.105 *Eligible grain sorghums.* Eligible grain sorghums shall be grain sorghums which were produced in 1947, the beneficial interest in which is now in the producer, and always has been in him, or in him and a former producer whom he succeeded before the grain sorghums were harvested, provided such grain sorghums grade No. 4 or better in accordance with Official Grain Standards and do not grade discolored, weevily, or smutty. When stored in a warehouse, the grain sorghums must not contain in excess of 14 percent moisture. When stored on the farm the grain sorghums must not contain in excess of 13 percent moisture and must have been stored in the granary at least 30 days prior to inspection for measurements, sampling, and sealing, unless otherwise approved by the State PMA Committee.

§ 263.106 *Eligible storage.* Eligible storage for grain sorghums shall meet the following requirements:

(a) Under the loan program, eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the grain sorghums, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of (1) public grain warehouses situated at terminal, subterminal or country points, for which a Uniform Grain Storage Agreement (CCC Form H) is in effect. (Warehousemen desiring approval should communicate with the CCC field office serving the area in which the warehouse is located), or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission.

(c) Under the purchase agreement program, grain sorghums stored in other than eligible warehouse storage will be purchased on delivered basis.

§ 263.107 *Approved forms.* The approved forms constitute the loan and purchase agreement documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents, will render him subject to prosecution under the United States Criminal Code.

Notes and chattel mortgages, and notes and loan agreements, must be dated prior to February 29, 1948, and be executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Purchase agreements must be signed and dated by the producer and mailed or delivered to the county committee prior to February 29, 1948. Notes and chattel mortgages, note and loan agreements, and purchase agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreement on CCC Commodity Form B, secured by negotiable warehouse receipts, representing the grain sorghums stored in approved warehouses. All grain sorghums pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement program.* The approved forms shall consist of the Purchase Agreement (Purchase Form 1) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by the Director, Grain Branch, PMA.

(d) *Warehouse receipts.* Grain sorghums stored in eligible warehouse storage in connection with a loan or purchase agreement must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, properly endorsed in blank so as to vest title in the holder, and be issued by an approved warehouseman.

(2) Each warehouse receipt should set forth in its written terms that the grain sorghums are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Liens for warehouse charges will be recognized by CCC but only from May 15, 1947, or the date of the warehouse receipt, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight and grade, dockage, test weight and all special grading factors.

(5) In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the grain sorghums covered thereby in lieu of the information required by subparagraph (4) of this paragraph. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

§ 263.108 *Determination of quantity.* A unit of 100 pounds shall be determined to be 100 pounds of grain sorghums, free of dockage when determined by weight, or 2.25 cubic feet of grain sorghums testing 56 pounds per bushel when determined by measurement. A deduction of ¾ of a pound for each sack will be made in determining the net quantity of the grain sorghums when stored as sacked grain sorghums. In determining the quantity of grain sorghums in farm storage by measurement, fractional units of less than 100 pounds will be disregarded. The quantity determined by measurement of grain sorghums having a test weight less than 56 pounds per bushel shall be adjusted by the following percentages:

For grain sorghums testing	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

§ 263.109 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 263.110 *Liens.* The grain sorghums must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the grain sorghums, proper waivers must be obtained.

§ 263.111 *Service fees*—(a) *Loans.* Where the grain sorghums under loan are farm-stored the producer shall pay a service fee of 2 cents per 100 pounds, and where the grain sorghums under loan are warehouse-stored the producer shall pay a service fee of 1 cent per 100 pounds.

(b) *Purchase agreement.* At the time the purchaser applies for a purchase agreement he shall pay a preliminary minimum service fee of $1.50. In addition, where delivery of grain sorghums is made under the purchase agreement, the producer shall pay a service fee of 1 cent on each 100 pounds of grain sorghums delivered in excess of 160 hundredweight.

§ 263.112 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase agreement to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien-holders. Indebtedness owing to the CCC shall be given first consideration after claims of prior lien-holders.

§ 263.113 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 263.114 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the grain sorghums under loan or his remaining interest may be restricted by CCC.

§ 263.115 *Safeguarding of the grain sorghums.* The producer obtaining a farm-stored loan is obligated to maintain the farm storage structures in good repair, and to keep the grain sorghums in good condition.

§ 263.116 *Insurance.* CCC will not require the producer to insure the grain sorghums placed under farm-storage loans; however, if the producer does insure such grain sorghums such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the grain sorghums involved in the loss.

§ 263.117 *Loss or damage to the grain sorghums.* The producer is responsible for any loss in quantity or quality of the grain sorghums placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 263.118 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the grain sorghums by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holdler of the note.

§ 263.119 *Maturity, delivery, and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1948. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged grain sorghums in accordance with the instructions of the county committee. Credit will be given for the total quantity delivered, provided it was stored in the bins in which the grain sorghums under loan were stored, at the applicable loan rate, according to grade and/or quality. If the settlement value of the grain sorghums delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the grain sorghums is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the grain sorghums may be delivered before the maturity date of the loan upon prior approval by the county committee. In the case of warehouse storage loans, if the producer does not repay his loan upon maturity CCC shall have the right to sell or pool the grain sorghums in satisfaction of the loan in accordance with the provisions of the note and loan agreement and section 263.120 hereof.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Purchase Form 1) shall not be obligated to deliver any specified quantity of grain sorghums to CCC. If the producer who signs a purchase agreement desires to sell grain sorghums to CCC he shall, during the month of May 1948, submit warehouse receipts representing eligible grain sorghums stored in eligible warehouse storage to the county committee for the quantity of such grain sorghums he elects to sell to CCC, or, in the case of grain sorghums stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Delivery shall be made to an approved warehouse, or as otherwise directed by the Administrator of PMA or his authorized representative. When delivery is completed, payment shall be made as prescribed by the Administrator. The producer shall direct to whom payment of the purchase price shall be made.

In the case of grain sorghums stored in eligible warehouse storage, purchases will be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents. Grain sorghums delivered from other than eligible warehouse storage will be purchased on the basis of official weights, grades and other quality factors at destination, or official weights at destination and official grades and other quality factors at the inspection point shown on the shipping order furnished the producer, which unless otherwise agreed shall be the customary location, on the route of shipment, of an inspector licensed under the U. S. Grain Standards Act; or, if such grain sorghums are delivered to a local CCC bin site, on the basis of the weight, grade and quality determinations made by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

§ 263.120 *Removal of the grain sorghums under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the grain sorghums and sell them, either by separate contract or after pooling them with other lots of grain sorghums similarly held. The producer has no right of redemption after the grain sorghums are pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled grain sorghums as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the grain sorghums, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the grain sorghums or of insurance proceeds

thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 263.121 *Release of the grain sorghums under loan.* A producer may at any time obtain release of the grain sorghums under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the grain sorghums prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan and accrued interest represented by the quantity of the grain sorghums to be released. In the case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt number.

§ 263.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on 1940 C. C. C. Form F or such other form as the Corporation may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the C. C. C. field office serving the area.

§ 263.123 *Field offices of CCC.* The field offices of CCC, and the areas served by them, are shown below:

Address and Area

623 South Wabash, Chicago 3, Ill.. Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia.

300 Interstate Building, 417 East Thirteenth Street, Kansas City 6, Mo.. Alabama, Arkansas, Colorado, Georgia, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.

328 McKnight Building, Minneapolis 1, Minn.. Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Eastern Building, 513 Southwest Tenth and Washington Streets, Portland 5, Oreg.. Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

§ 263.124 *Loan and purchase rates.* Loan and purchase rates for grain sorghums grading No. 2 or better are set forth below:

(a) *Basic loan and purchase rates at terminal markets.* 1947 grain sorghums loan and purchase rates per 100 pounds for grain sorghums grading No. 2 or better, stored in approved public grain warehouses at the following terminal markets, shall be as follows:

Market	*Loan and purchase rate per 100 pounds*
Kansas City, Mo., and Omaha, Nebr...	$2.50
Memphis, Tenn., and St. Louis, Mo....	2.63
San Francisco and Los Angeles, Calif...	2.75
New Orleans, La., and Houston and Galveston, Tex.....	2.53

For loan or purchase at the full rates shown in the above schedule, the grain sorghums must have been shipped by rail at the domestic interstate freight rate. The rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic interstate freight rate on any grain sorghums shipped at other than such freight rate.

The foregoing schedule of rates applies to grain sorghums delivered to any designated terminal market in carload lots which have been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges; *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee minimum proportional freight rate from the terminal market, there shall be deducted from the applicable terminal rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The warehouse receipts must be accompanied by the registered freight bills or by (1) a statement in the following form signed by the warehouseman, (2) a certificate of the warehouseman containing such a certification, or (3) such forms as may hereafter be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The grain sorghums represented by attached warehouse receipt No. _____ were received by rail freight from _____ (Town)

_____ (County) (State)

point of origin, as evidenced by freight bill described as follows:

Way bill, date _____ No. _____
Car No. _____ Initial _____
Freight bill, date _____ No. _____
Carrier _____ Transit weight _____
Freight rate in _____ Amt. collected _____
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

_____
Date of signature

_____
Warehouseman's signature

_____
Address

Grain sorghums stored at a designated terminal market (including trucked-in grain sorghums) for which neither registered freight bills nor such freight certificates are presented shall have a loan or purchase rate equal to the higher of (i) the terminal rate minus 10 cents per 100 pounds, or, (ii) the county rate for the county in which the grain sorghums are stored.

(b) *Basic loan and purchase rates at other than designated terminal points.* CCC will determine the loan and purchase rate for grain sorghums in storage on the farm or in country warehouses by deducting from the designated terminal market rate an amount equal to (1) the receiving and loading-out charges computed in accordance with the schedule of rates of the Uniform Grain Storage Agreement (CCC Form H) plus (2) the average all-rail interstate freight rate (plus tax) from all shipping points in the county.

Upon request by the county committee the Branch office of CCC will determine the loan and purchase rate for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail from country shipping points, by deducting from the appropriate designated terminal market rate an amount equal to the transit balance of the through freight from point of origin for such grain sorghums to such terminal market, plus freight tax on such transit balance: *Provided*, That in the case of grain sorghums stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

The warehouse receipts, in addition to other required documents must be accompanied by the original paid freight bills duly registered for transit privileges or by a statement in the following form signed by the warehouseman, or a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The grain sorghums represented by attached warehouse receipt No. _____ were received by rail freight from _____ (Town)

_____ (County) (State)

point of origin, as evidenced by freight bill described as follows:

Way bill, date _____ No. _____
Car No. _____ Initial _____
Freight bill, date _____ No. _____
Carrier _____ Transit weight _____
Freight rate in _____ Amt. collected _____
Transit balance, if any, of through freight rate to _____ of _____ per 100 pounds.
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of

paragraph 19 of the Uniform Grain Storage Agreement.

Date of signature

Warehouseman's signature

Address

(c) *Variations for grades.* The loan and purchase rate for grain sorghums which grade No. 3 shall be discounted 8 cents per 100 pounds, and No. 4, 16 cents per 100 pounds. In addition a discount of 3 cents per 100 pounds shall apply to "mixed" grain sorghums.

(d) *Storage allowance.* There shall be no storage allowance on grain sorghums under either the loan or purchase agreement program.

A deduction of 9 cents per 100 pounds shall be made from the applicable loan rate on grain sorghums being placed under loan in a warehouse, unless evidence is submitted with the warehouse receipt that all warehouse charges except receiving charges have been prepaid through April 30, 1948.

A deduction of 9 cents per 100 pounds shall be made from the applicable purchase rate on warehouse-stored grain sorghums offered under the purchase agreement program unless evidence is submitted with the warehouse receipt that all warehouse charges except receiving charges have been paid through the date on which the warehouse receipts are tendered to the county committee.

(e) *County loan and purchase rates.* Loan and purchase rates per 100 pounds of eligible grain sorghums for the respective States and counties basis No. 2 or better grain sorghums free of dockage are listed below:

ARIZONA

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Cochise	$2.16	Pima	$2.29
Graham	2.10	Pinal	2.37
Maricopa	2.40	Yuma	2.42

CALIFORNIA

Butte	$2.48	Sacramento	$2.52
Colusa	2.50	San Joaquin	2.55
Fresno	2.50	Solano	2.57
Glenn	2.48	Stanislaus	2.54
Imperial	2.47	Sutter	2.50
Kern	2.50	Tehama	2.46
Kings	2.50	Tulare	2.50
Madera	2.52	Yolo	2.53
Merced	2.53	Yuba	2.50
Riverside	2.52		

COLORADO

Adams	$2.08	Logan	$2.08
Baca	2.09	Morgan	2.08
Bent	2.08	Otero	2.08
Cheyenne	2.10	Phillips	2.11
Crowley	2.08	Prowers	2.10
Kiowa	2.10	Pueblo	2.08
Kit Carson	2.10	Washington	2.08
Las Animas	2.08	Yuma	2.10
Lincoln	2.08		

KANSAS

Allen	$2.25	Cherokee	$2.24
Anderson	2.26	Cheyenne	2.13
Atchison	2.28	Clark	2.14
Barber	2.17	Clay	2.21
Barton	2.17	Cloud	2.21
Bourbon	2.26	Coffey	2.25
Brown	2.26	Comanche	2.16
Butler	2.20	Cowley	2.20
Chase	2.22	Crawford	2.25
Chautauqua	2.22	Decatur	2.16

KANSAS—Continued

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Dickinson	$2.20	Morris	$2.22
Doniphan	2.26	Morton	2.10
Douglas	2.28	Nemaha	2.25
Edwards	2.17	Neosho	2.25
Elk	2.22	Ness	2.16
Ellis	2.17	Norton	2.17
Ellsworth	2.19	Osage	2.25
Finney	2.13	Osborne	2.19
Ford	2.16	Ottawa	2.20
Franklin	2.28	Pawnee	2.17
Geary	2.22	Phillips	2.17
Gove	2.15	Pottawatomie	2.24
Graham	2.17	Pratt	2.17
Grant	2.13	Rawlins	2.14
Gray	2.15	Reno	2.19
Greeley	2.13	Republic	2.20
Greenwood	2.22	Rice	2.19
Hamilton	2.13	Riley	2.24
Harper	2.18	Rooks	2.17
Harvey	2.20	Rush	2.17
Haskell	2.14	Russell	2.18
Hodgeman	2.16	Saline	2.19
Jackson	2.26	Scott	2.14
Jefferson	2.28	Sedgwick	2.20
Jewell	2.19	Seward	2.12
Johnson	2.29	Shawnee	2.26
Kearny	2.13	Sheridan	2.15
Kingman	2.19	Sherman	2.13
Kiowa	2.17	Smith	2.19
Labette	2.24	Stafford	2.17
Lane	2.15	Stanton	2.12
Leavenworth	2.30	Stevens	2.12
Lincoln	2.19	Sumner	2.20
Linn	2.26	Thomas	2.14
Logan	2.14	Trego	2.16
Lyon	2.24	Wabaunsee	2.24
McPherson	2.19	Wallace	2.13
Marion	2.20	Washington	2.21
Marshall	2.24	Wichita	2.13
Meade	2.14	Wilson	2.24
Miami	2.28	Woodson	2.25
Mitchell	2.20	Wyandotte	2.31
Montgomery	2.24		

MISSOURI

Barton	$2.25	Jasper	$2.26
Bates	2.27	Johnson	2.30
Benton	2.31	Lafayette	2.32
Carroll	2.33	Moniteau	2.35
Cass	2.28	Morgan	2.33
Cedar	2.26	Pettis	2.34
Cooper	2.35	Polk	2.28
Dade	2.27	Ray	2.30
Henry	2.29	St. Clair	2.28
Hickory	2.28	Saline	2.34
Jackson	2.31	Vernon	2.26

NEBRASKA

Adams	$2.22	Hitchcock	$2.15
Antelope	2.22	Howard	2.23
Boone	2.24	Jefferson	2.24
Buffalo	2.22	Johnson	2.26
Burt	2.28	Kearney	2.21
Butler	2.28	Knox	2.21
Cass	2.30	Lancaster	2.28
Cedar	2.23	Lincoln	2.17
Chase	2.13	Madison	2.24
Clay	2.22	Merrick	2.24
Colfax	2.28	Nance	2.25
Cuming	2.27	Nemaha	2.26
Custer	2.19	Nuckolls	2.22
Dakota	2.25	Otoe	2.28
Dawson	2.20	Pawnee	2.25
Dixon	2.24	Perkins	2.13
Dodge	2.28	Phelps	2.20
Douglas	2.30	Pierce	2.23
Dundy	2.13	Platte	2.26
Fillmore	2.24	Polk	2.25
Franklin	2.20	Redwillow	2.17
Frontier	2.17	Richardson	2.25
Furnas	2.18	Saline	2.26
Gage	2.26	Sarpy	2.31
Gosper	2.19	Saunders	2.29
Greeley	2.23	Seward	2.27
Hall	2.23	Sherman	2.22
Hamilton	2.24	Stanton	2.25
Harlan	2.19	Thayer	2.24
Hayes	2.15	Thurston	2.27

NEBRASKA—Continued

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Valley	$2.21	Webster	$2.21
Washington	2.29	York	2.25
Wayne	2.23		

NEW MEXICO

Chaves	$2.01	Lea	$2.00
Curry	2.03	Luna	1.97
Dona Ana	1.97	Quay	2.02
Eddy	1.98	Roosevelt	2.01
Harding	1.97	Union	2.00
Hidalgo	1.97		

OKLAHOMA

Alfalfa	$2.17	Lincoln	$2.17
Beaver	2.10	Logan	2.17
Beckham	2.14	McClain	2.17
Blaine	2.17	Major	2.17
Caddo	2.17	Mayes	2.21
Canadian	2.17	Noble	2.17
Cimarron	2.07	Nowata	2.23
Cleveland	2.17	Okfuskee	2.18
Comanche	2.17	Oklahoma	2.17
Cotton	2.17	Okmulgee	2.21
Craig	2.22	Osage	2.20
Creek	2.20	Ottawa	2.23
Custer	2.17	Pawnee	2.17
Dewey	2.16	Payne	2.17
Ellis	2.14	Pottawatomie	2.17
Garfield	2.17	Roger Mills	2.14
Grady	2.17	Rogers	2.22
Grant	2.17	Texas	2.09
Greer	2.14	Tillman	2.17
Harmon	2.14	Tulsa	2.20
Harper	2.11	Wagner	2.20
Jackson	2.17	Washington	2.23
Kay	2.18	Washita	2.17
Kingfisher	2.17	Woods	2.16
Kiowa	2.17	Woodward	2.14

SOUTH DAKOTA

Aurora	$2.18	Hutchinson	$2.20
Beadle	2.16	Hyde	2.12
Bon Homme	2.21	Jerauld	2.18
Brule	2.17	Kingsbury	2.18
Buffalo	2.15	Lyman	2.14
Charles Mix	2.18	Mellette	2.15
Clark	2.16	Miner	2.19
Davison	2.19	Sanborn	2.18
Douglas	2.19	Spink	2.16
Gregory	2.20	Tripp	2.16
Hand	2.14	Yankton	2.23
Hanson	2.19		

TEXAS

Andrews	$2.06	Hale	$2.06
Archer	2.09	Hall	2.06
Armstrong	2.07	Hansford	2.04
Bailey	2.06	Hardeman	2.10
Baylor	2.08	Hartley	2.03
Borden	2.06	Haskell	2.08
Briscoe	2.06	Hemphill	2.07
Brown	2.07	Hockley	2.06
Callahan	2.08	Howard	2.06
Carson	2.06	Hutchinson	2.04
Castro	2.06	Jack	2.10
Childress	2.08	Jones	2.08
Clay	2.13	Kent	2.06
Cochran	2.06	King	2.06
Coke	2.06	Knox	2.08
Coleman	2.07	Lamb	2.06
Collingsworth	2.07	Lipscomb	2.07
Comanche	2.08	Lubbock	2.06
Cottle	2.07	Lynn	2.06
Crosby	2.06	Martin	2.06
Dallam	2.03	Midland	2.06
Dawson	2.06	Mitchell	2.07
Deaf Smith	2.06	Moore	2.03
Dickens	2.06	Motley	2.06
Donley	2.07	Nolan	2.07
Eastland	2.10	Ochiltree	2.05
Erath	2.10	Oldham	2.06
Fisher	2.08	Palo Pinto	2.10
Floyd	2.06	Parmer	2.06
Foard	2.08	Potter	2.06
Gaines	2.06	Randall	2.06
Garza	2.06	Roberts	2.07
Glasscock	2.06	Runnels	2.07
Gray	2.07	Scurry	2.07

TEXAS—Continued

County	No. 1 grain sorghums	County	No. 1 grain sorghums
Shackelford	$2.08	Throckmorton	$2.08
Sherman	2.03	Wheeler	2.07
Stephens	2.10	Wichita	2.12
Sterling	2.06	Wilbarger	2.10
Stonewall	2.06	Yoakum	2.06
Swisher	2.06	Young	2.10
Taylor	2.07		
Terry	2.06		

Approved: July 24, 1947.

[SEAL] RALPH S. TRIGG,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 47-7137; Filed, July 29, 1947; 8:48 a. m.]

[1947 C. C. C. Barley Bulletin 1]

PART 264—BARLEY LOANS AND PURCHASE AGREEMENTS

SUBPART—1947

Correction

In F R. Doc. No. 47-6917, appearing at page 4872 of the issue for Wednesday, July 23, 1947, the following changes should be made:

In § 264.124 (b) (1) the reference to "CCC Form S" should read "'CCC Form H"

In the table in § 264.124 (e) the loan and purchase values per bushel should be:

Owyhee County, Idaho	$0.99
Mitchell County, Iowa	1.03

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 33—EXPORT APPLES AND PEARS

Pursuant to the provisions of the so-called Export Apple and Pear Act, approved June 10, 1933 (48 Stat. 123; 7 U. S. C. 581 et seq.), the regulations (7 CFR and Supps. 33.1 et seq.) issued thereunder, effective March 6, 1944, are hereby revised to read as follows:

DEFINITIONS

Sec.
33.1 Meaning of words.
33.2 Definitions.

ADMINISTRATION

33.3 Director.

MISCELLANEOUS

33.4 Inspection certificate.
33.5 Form of certificate.
33.6 Analysis; certificate.
33.7 Delivery of certificate.
33.8 Requirements for shipments.
33.9 Method of inspection and certification.
33.10 Noncertificated shipments; handling.
33.11 Special certificates.
33.12 Issuance of certificate; requirements.
33.13 Minimum quality requirements for shipments in export.
33.14 Less than carload lots.
33.15 Packing and marking requirements for shipments in export.
33.16 Fee for certificate.
33.17 Complaint, notice, hearing, and order.
33.18 Service of notice or order.
33.19 Effective date.

AUTHORITY: §§ 33.1 to 33.19, inclusive, issued under 48 Stat. 123; 7 U. S. C. 581 et seq.

DEFINITIONS

§ 33.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 33.2 *Definitions.* Each term defined in the act shall, when used in the regulations in this part have the same meaning as set forth in said act. When used in this part, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(a) "Act" or "Export Apple and Pear Act," means "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U. S. C. 581 et seq.)

(b) "Person" means an individual, partnership, association or corporation.

(c) "Department" means the United States Department of Agriculture.

(d) "Secretary" means the Secretary of the United States Department of Agriculture or any person to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(e) "Administration" means the Production and Marketing Administration, United States Department of Agriculture.

(f) "Administrator" means the Administrator of the Production and Marketing Administration, United States Department of Agriculture, or any officer or employee of the Administration to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(g) "Branch" means the Fruit and Vegetable Branch of the Administration.

(h) "Director" means the Director of the Branch or any officer or employee of the Branch to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(i) "Carrier" means any common or private carrier, including, but not being limited to, trucks, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

(j) "Apples" means fresh whole apples whether or not they have been in storage.

(k) "Pears" means fresh whole pears whether or not they have been in storage.

(l) "Less than carload lots" means any lot of apples or pears of less than 400 bushels in packages.

(m) "Farm Products Inspection Act" means the following provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong. 2d sess.) or any other act of Congress conferring similar authority:

For enabling the Secretary to investigate and certify, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered • • •

(n) "Certificate" or "export from certificate" means a statement that a designated lot of apples or pears meets the requirements of the Export Apple and Pear Act included in and made a part of (1) a certificate issued under the Farm Products Inspection Act or under section 14 of the Perishable Agricultural Commodities Act, 1930 as amended (46 Stat. 531, 7 U. S. C. 499a et seq.) or (2) a memorandum in a form approved by the Director and issued in lieu of an export form certificate.

ADMINISTRATION

§ 33.3 *Director.* The Director shall perform, for and under the supervision of the Secretary and Administrator, such duties as the Secretary or Administrator may require in the administration and enforcement of the act and the regulations in this part.

MISCELLANEOUS

§ 33.4 *Inspection certificate.* The regulations issued under the Farm Products Inspection Act governing the inspection and certification of fresh fruits and vegetables, as amended (7 CFR 51.1 et seq.) and as the same may, from time to time, be amended, insofar as the aforesaid regulations apply to apples or pears, are hereby adopted and made a part of the regulations in this part for the purposes of the act except when in conflict with specific regulations herein set forth; and all persons authorized to issue certificates of grade or condition of fresh fruits and vegetables under the said Farm Products Inspection Act are authorized to issue the certificate required, under the act and under the regulations in this part, for apples and pears.

§ 33.5 *Form of certificate.* A Farm Products Inspection Act certificate bearing in prominent letters across the face thereof the words "Export Form Certificate" shall, when issued hereunder, be issued only for apples or pears inspected and certified in accordance with the provisions of the act and the regulations in this part and shall include the following printed or typed statement: "The apples or pears covered by this certificate meet the requirements of the Export Apple and Pear Act."

§ 33.6 *Analysis; certificate.* If the apples or pears in any shipment for export are to be analyzed for any spray residue and the chemist's report is not available at the time the inspection for grade is finished, the inspector may, if practicable, issue a certificate subject to its being rescinded within 48 hours after issuance should the chemist's analysis show that the apples or pears do not comply with the tolerances for any such spray residue established under the Federal Food, Drug and Cosmetic Act, as

amended (52 Stat. 1040; 21 U. S. C. 301 et seq.)

§ 33.7 *Delivery of certificate.* If, at the time of billing for shipment in export, a certificate shall have been issued under the provisions of the act and the regulations in this part, such certificate or a copy thereof, on a form approved by the Director, shall be delivered by the shipper or his agent to the initial carrier for delivery to the proper official of any carrier on which the apples or pears, covered by the certificate or the copy thereof, as aforesaid, are to be exported.

§ 33.8 *Requirements for shipments—*(a) *Export of apples or pears.* No person shall ship, offer for shipment, transport, or offer for transportation to a foreign country apples or pears in packages except in accordance and compliance with the requirements hereof and only if a certificate has been issued with respect to such apples or pears.

(b) *No acceptance for export without certificate.* A shipment of apples or pears in packages shall not be accepted for export by any carrier unless such shipment is accompanied by a certificate or a copy thereof, on a form approved by the Director, and such certificate or a copy thereof has been surrendered to the carrier.

(c) *Split shipments.* When a certificate has been issued covering a lot of apples or pears and the shipper desires to export part of the lot by one carrier and part by another carrier, such certificate or copy thereof, as aforesaid, shall be delivered to each carrier.

(d) *Representation of issuance, without copy of certificate, not acceptable.* No carrier shall accept for shipment a part of a lot of apples or pears in packages upon the representation by the shipper or his agent or by the initial carrier that a certificate has been issued covering the entire lot of such apples or pears, but shall require that such certificate or a copy thereof, as aforesaid, be delivered to such carrier.

§ 33.9 *Method of inspection and certification.* When a shipment of apples or pears in packages is made to a foreign country under a through bill of lading or under a bill of lading marked for export, the shipper shall, except as provided in § 33.18, secure inspection of the apples or pears in such shipment and deliver to the local agent of the carrier the certificate or copy thereof, as aforesaid, covering such shipment. Such local agent shall attach such certificate or copy thereof to the waybill or make a notation on the waybill that the fruit has been inspected and that a certificate has been issued as provided herein. Inspection of a shipment of apples or pears in packages, not under a through bill of lading to a foreign country or not under a bill of lading marked for export, may be obtained at point of origin of such shipment, if inspection is available, or at any convenient point en route to or at destination.

§ 33.10 *Noncertificated shipments; handling.* Any person operating any carrier shall, within 72 hours after such carrier sails from any port, send to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., a list of all shipments of apples or pears in packages on board such carrier which are not accompanied by certificates or copies thereof, as aforesaid, and shall give all particulars with reference thereto, including, but not being limited to, destination, quantity, description, marks, names and addresses of shippers and consignees, and names of railroads or persons having delivered such shipments to such carrier, with car numbers or other means of identification. The furnishing of the foregoing information shall not relieve any person operating a carrier, as aforesaid, from liability under the act or the regulations in this part if the facts warrant prosecution.

§ 33.11 *Special certificates.* A special certificate in compliance with the standards or requirements of any foreign country as to condition of apples or pears shall, as authorized by section 3 of the act, be issued as a part of, or in addition to, an export form certificate. A reasonable additional fee may be charged when the inspection necessary for the issuance of such special certificate requires additional time or an examination or certification at some time or place other than that at which the original inspection was made.

§ 33.12 *Issuance of certificate; requirements.* The issuance of a certificate does not excuse any person who fails to comply with any regulatory laws or requirements applicable to apples or pears shipped in foreign commerce. No certificate shall be issued except upon a showing satisfactory to the Director that the apples or pears shipped in foreign commerce comply with the tolerances for any arsenical or lead spray residue established under the Federal Food, Drug or Cosmetic Act, as aforesaid.

§ 33.13 *Minimum quality requirements for shipments in export*—(a) *Apples.* Any lot of apples in packages shipped or transported in foreign commerce must meet each minimum requirement of the U. S. Utility or the U. S. Utility Early grade, as specified in the United States Standards for Apples, issued by the Department in October 1937 and reissued in October 1939, subject to the tolerances for the applicable grade, except that such apples shall not contain apple maggots and, of such apples, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of applies in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of apples meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Cannery Apples (1930) issued by the Department on July 23, 1930, and reissued on August 30, 1943, subject to an aggregate tolerance of 10 percent for defects of this grade.

(b) *Pears.* Any lot of pears in packages shipped or transported in foreign commerce must meet each minimum requirement of the applicable U. S. No. 2 grade, as specified (1) in the U. S. Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties, effective June 27, 1940, issued by the Department on June 26, 1940, and reissued September 3, 1942, or (2) in the U. S. Standards for Winter Pears, such as Anjou, Bosc, Nellis, Comice, and other similar varieties, effective July 8, 1940, issued by the Department on June 28, 1940, and reissued on May 20, 1942, subject to the tolerances permitted for such applicable grade, except that such pears shall not contain apple maggots and, of such pears, not more than 2 percent may have apple maggot injury and not more than 2 percent may be infested with San Jose scale: *Provided,* That any lot of pears in containers conspicuously marked "cannery" may be shipped or transported, as aforesaid, if such lot of pears meets each minimum requirement of the U. S. No. 2 grade, as specified in the U. S. Standards for Pears for Canning, effective June 12, 1939, issued by the Department on June 6, 1939, and reissued September 13, 1939, subject to an aggregate tolerance of 10 percent for defects of this grade.

(c) *Exception to maturity requirements.* Any lot of apples or pears in packages shipped to a trans-Pacific port need not comply with the maturity standards of the applicable grade, if the packages are conspicuously marked or branded with the words "Immature fruit."

§ 33.14 *Less than carload lots.* Shipments of less than carload lots of apples or pears to Mexico, Cuba, the West Indies, Bahamas, Bermuda Islands, Newfoundland, or other islands adjacent to North America, or to any country in Central America or South America except Argentina, or to any African port not on the Mediterranean Sea, or to any trans-Pacific port, need not comply with the requirements of the act or the regulations in this part: *Provided,* That any shipment of apples or pears of less than 200 pounds gross weight in packages to any foreign destination shall not be subject to the provisions of the act or the regulations in this part.

§ 33.15 *Packing and marking requirements for shipments in export*—(a) *Packages; packing.* Each package shall be packed so that the apples or pears in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) *Packages; marking.* Any package of apples or pears shipped in foreign commerce shall be plainly and conspicuously marked with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the grade names, not lower than those specified in § 33.13; and (4) the numerical count or the minimum size of such apples or pears.

§ 33.16 *Fee for certificate.* The fee for the issuance of a certificate shall be the fee charged at that time and place where a certificate is issued for an inspection made under the Farm Products Inspection Act: *Provided,* That when any lot of apples or pears, with respect to which a farm products inspection certificate has been issued stating that the fruit meets the requirements of the act and the regulations of this part, arrives at any terminal market or point of ex-

port, an export form certificate may be substituted for such farm products inspection certificate for a fee of $1.00, or, for a similar fee, such farm products inspection certificate may be stamped with the words "Export Form Certificate."

§ 33.17 *Complaint, notice, hearing, and order.* Upon receipt of complaint from any person alleging that any apples or pears have been shipped or transported in foreign commerce in violation of any of the provisions of the act or the regulations in this part; the Director shall cause such investigation of the facts to be made as he deems proper. If it appears from the investigation that there has been a violation of the act or the regulations in this part, the Director shall cause notice to be given to the person accused of the nature of the charges against him and of the specific cases in which violation of the act or the regulations in this part in charged. The person accused shall be given an opportunity for a hearing not less than 10 days after notice of such hearing has been served upon him. At such hearing the person complained of will be entitled to be present in person or by counsel and to submit evidence and argument in his behalf. Any order to withhold the issuance of a certificate, as provided in section 6 of the act, will be effective from the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary under the Farm Products Inspection Act shall issue any certificate to such person.

§ 33.18 *Service of notice or order* Service of any notice or order required by the act or prescribed by the regulations in this part shall be deemed sufficient if made by registered mail or personally upon the person served. If it is impossible to make service, as aforesaid, upon the person named in the notice or order, service may be made by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

§ 33.19 *Effective date.* August 8, 1947, is the effective date of this revision which is designed to reflect the current organization of the Department insofar as the administration and enforcement of the act and the regulations in this part are concerned.

It is directed that, within two weeks after the publication of this revision in the FEDERAL REGISTER, notice of this revision and of the effective time hereof shall be published in at least two trade papers of the fruit industry.

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7138; Filed, July 29, 1947; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 901—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING ORDER, AS AMENDED

§ 901.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held at San Francisco, California, on April 28, 1947, upon proposed further amendments to the marketing agreement, as amended, and to the marketing order, as amended (7 CFR 901.1 et seq., as amended, 7 CFR, Cum. Supp., 901.4, 901.17, 901.19) regulating the handling of walnuts grown in California, Oregon, and Washington; and the decision (12 F. R. 4819) was made with respect to the amendments by the Secretary on July 15, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of the said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of the aforementioned walnuts in the same manner as the aforementioned marketing agreement, as amended and as further amended effective as of the same time as the further amendment of the said marketing order, as amended; and the said marketing order, as amended and as hereby further amended, is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposals upon which the hearing was held; and

(3) There are no differences in the production and marketing of said commodity in the production area covered by the said marketing order, as amended and as hereby further amended, that make necessary different terms applicable to different parts of such area.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective not later than August 1, 1947, the present amendments to the order, as amended, because the coming crop year will begin on that date, and it is essential that all procedures and requirements in connection with regulation during such entire crop year be in accordance with the appropriate provisions contained in the amendments hereinafter set forth, some of which provisions differ materially from the corresponding provisions in the existing order, as amended. Any delay beyond August 1, 1947, in the effective date of the order, as amended and as hereby further amended, will seriously disrupt the successful operation of this regulatory program, and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (see section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that, (1) The further amendment to the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, upon which the aforesaid hearing was also held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by the said order as heretofore and hereby amended) who handled not less than 50 percent of the volume of said commodity, covered by this order, as heretofore and hereby amended, produced within California, Oregon, and Washington;

(2) The aforesaid agreement, further amending the aforesaid marketing agreement, as amended, has been executed by three packers, who during the preceding crop year, handled not less than 67 percent of the merchantable walnuts packed during such crop year, and

(3) The issuance of this order, further amending the aforesaid marketing order, as amended, is favored and approved by producers of walnuts who, during the determined representative period (September 1, 1945, to August 31, 1946, both dates inclusive) produced for market, within the production area specified in the said order, as amended and as hereby further amended, at least two-thirds of such commodity produced for market within such area.

It is therefore ordered, That on and after the effective date hereof, the handling of walnuts grown in California, Oregon, and Washington shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order, as amended, is hereby further amended as follows:

1. Delete the provisions of paragraph 1, section 1 of Article I (§ 901.2 (a)) and insert, in lieu thereof, the following:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the provisions of paragraphs 9, 10, 11, 12, 13, 14, and 15 of section 1 of Article I (§ 901.2 (i), (j), (k), (l), (m),

(n) (o) and (p)) and insert, in lieu thereof, the following:

(i) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.)

(j) "Walnuts" means only walnuts of the "English" (Juglans Regia) varieties grown in the States of California, Oregon, and Washington.

(k) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum requirements prescribed pursuant to section 1 of Article III (§ 901.4 (a)).

(l) "Cull walnuts" means all lots of unshelled walnuts which do not meet the minimum specifications for merchantable walnuts and which cannot be brought up to such minimum specifications by standard commercial grading practices.

(m) "Pack" means a specific commercial classification according to size, variety or type, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to section 1 of Article III (§ 901.4 (a))

(n) "Credit value" means that value per pound for each pack established by the Control Board, subject to the approval of the Secretary, pursuant to section 1 of Article IV (§ 901.5 (a))

(o) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

3. Delete the provisions of paragraphs 17 and 18 of section 1 of Article I (§ 901.2 (r) and (s)) and insert, in lieu thereof, the following:

(r) "Crop year" means the twelve months from August 1 to the following July 31, both inclusive.

(s) "Surplus referable" to any walnuts handled or certified for handling or sold to the Control Board means a quantity of walnuts of like pack which bears the same ratio to such quantity of walnuts handled or certified for handling or sold to the Control Board as the surplus percentage bears to the salable percentage.

4. Delete the provisions of paragraph 5 of section 3 of Article II (§ 901.3 (c) (9)) and insert, in lieu thereof, the following:

(9) To perform such duties in connection with the administration of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c) as may from time to time be assigned to it by the Secretary.

5. Delete the provisions of sections 1, 2, and 3 of Article III (§ 901.4 (a) (b) and (c)) and insert, in lieu thereof, the following:

(a) *Authorized packs.* Except as otherwise provided in Article VII (§ 901.-8) hereof for the sale of cull walnuts, no packer shall handle any unshelled walnuts except those packed in accordance with such pack specifications and minimum requirements as the Control Board may prescribe, subject to the approval of the Secretary, in order to tend to effectuate the declared policy of the act. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and minimum requirements and such other data pertaining thereto as the Secretary may request.

(b) *Salable percentage and surplus percentage.* On the basis of the carryover, estimated consumptive demand and estimated production of merchantable walnuts, the salable and surplus percentages of merchantable walnuts for each crop year shall be fixed by the Secretary, after consideration of the recommendations submitted to him by the Control Board, and other pertinent data: *Provided,* That the salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over 12 percent by count pass through a round opening $^{96}/_{64}$ inches in diameter. The total of the salable and surplus percentages fixed for each crop year shall equal one hundred (100) percent. The Secretary may, subsequently, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding crop year at least ten (10) percent of the total tonnage handled by all packers during such crop year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts, available for sale will not be sufficient to supply the consumptive demand, increase the said salable percentage to conform with such new relation as may be found to exist between consumptive demand and available supply: *Provided, however* That an increase of the salable percentage shall not be made after January 15 of any crop year unless the quantity of walnuts held unsold by the Control Board is sufficient to permit full delivery to packers as required by section 2 of Article V (§ 901.6 (b)) hereof. The merchantable walnuts handled by any packer in accordance with the provisions hereof shall be deemed to be that packer's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(c) *Estimated carryover consumptive demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each year, the following information; its estimate of the quantity of merchantable walnuts to be produced during such year, herein referred to as the "estimated production" such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and, likewise, its estimate of the total consumptive demand in the United States for merchantable walnuts for the coming crop year (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act) such estimate to be approved by at least a two-thirds (⅔) vote of the Control Board; and also a report on the total carryover of merchantable walnuts from preceding crop years held by packers on the preceding August 1. The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting to recommend the salable and surplus percentages to be fixed by the Secretary.

6. In section 4 of Article III (§ 901.4 (d)) change the phrase "of each year after 1935" to read "of each year"; and change the phrase "quantity, pack, quality and location thereof" to read "quantity, pack and location thereof."

7. In section 5 of Article III (§ 901.4 (e)) change the phrase "the surplus referable to each pack and quality of such merchantable walnuts handled or to be handled" to read "the surplus referable to each pack of such merchantable walnuts handled or certified for handling."

8. In section 6 of Article III (§ 901.4 (f)) delete the words "or to be handled" and insert, in lieu thereof, the words "or certified for handling."

9. In section 7 of Article III (§ 901.4 (g)) delete the words "and quality" wherever they now appear in said section.

10. In section 11 of Article III (§ 901.4 (k)) change the phrase "the quantity of each pack and quality handled or to be handled" so as to read "the quantity of each pack handled or certified for handling"; and, in subparagraph (1) thereof, change the phrase "or a total weight equal to the surplus referable to such walnuts so handled or to be handled" to read "of a total weight equal to the surplus referable to such walnuts so handled or certified for handling."

11. Delete the provisions of sections 1 and 2 of Article IV (§ 901.5 (a) and (b)) and insert, in lieu thereof, the following:

(a) *Credit values.* The Control Board shall, on or before October 15 of each year, establish, subject to the approval of the Secretary, credit values for each pack of merchantable walnuts. The establishment of credit values shall require a vote of at least two-thirds (⅔) of the members of the Control Board. To aid the Secretary in determining whether to grant or withhold such approval, the Control Board shall furnish to the Secretary the data upon which it acted in establishing such credit values and such other data pertaining thereto as the Secretary may request. Such credit values shall provide reasonable differentials for the different packs as will reflect the normal differences in market prices thereof.

(b) *Interest of packers in holdings of Control Board.* The equitable interest of each packer in the holdings of the Control Board shall be in the proportion of the net credits of such packer to the total net credits of all packers. For the purpose of this section, "holdings of the Control Board" means the merchantable walnuts held by or for it and the net proceeds from the sale, exchange, or other disposition thereof by the Control Board, and all cash received by the Control Board pursuant to Article III (§ 901.4) hereof, which has not been expended or refunded in accordance with the provisions of said Article III; but shall not include such moneys, if any, as may be received by the Control Board as diversion payments in connection with

the encouragement of exportation or encouragement of domestic consumption pursuant to the provisions of section 32 of the act of Congress of August 24, 1935, as amended (7 U. S. C. 612c). The Control Board shall, from time to time, distribute the cash "holdings of the Control Board," ratably to the packers in accordance with their respective interests therein, except that no cash which under the provisions of Article III (§ 901.4) is to be, or may be, used to effect purchases from packers or which, under the provisions of said article, is to be held undistributed until the end of a crop year shall be distributed before the end of such crop year.

12. Delete the provisions of section 1 Article VI (§ 901.7 (a)) and insert, in lieu thereof, the following:

(a) *Certification of shipments.* Every packer, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and all lots of merchantable walnuts which he delivers to the Control Board. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the packer, whether domestic shipments will move interstate or intrastate and if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the minimum specifications for quality and soundness prescribed pursuant to section 1 of Article III (§ 901.4 (a))

The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms thereof.

13. Delete the provisions of section 1 of Article VIII (§ 901.9) and insert, in lieu thereof, the following:

§ 901.9 *Expenses.* Each packer shall pay to the Control Board, upon demand and on the applicable basis provided for hereinafter in this section, his pro rata share of the expenses necessarily incurred by the Control Board for its maintenance and functioning under this order for the crop year ending July 31, 1948, and for each crop year thereafter. The amount of such expenses which will necessarily be incurred by the Control Board during the crop year ending July 31, 1948, and each crop year thereafter, shall be fixed by the Secretary on the basis of recommendations by the Control Board and such other pertinent information as may be available to him. Such approved amount for any such crop year may later be adjusted, from time to time, by the Secretary. The recommendation of the Control Board as to the expenses for each such crop year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 1 of the crop year in connection with which such recommendation is made.

In the event a surplus percentage of merchantable walnuts is fixed for any crop year, each packer's pro rata share of the expenses of the Control Board for such crop year shall be that proportion thereof which the total credit value of his surplus obligation with respect to merchantable walnuts handled or certified for handling by him and merchantable walnuts sold by him to the Control Board, during such crop year, is of the total credit value of the surplus obligations of all the packers with respect to merchantable walnuts handled or certified for handling by them and merchantable walnuts sold to the Control Board by them during that crop year: *Provided,* That an initial assessment for any such crop year may be levied on each packer of one (1) percent of the total credit value of such packer's estimated surplus obligation for such crop year.

In the event no surplus percentage of merchantable walnuts is fixed for any crop year, each packer shall pay, as his pro rata share of the expenses of the Control Board for that crop year, an amount (adjusted to the next higher one-hundredths of a cent) per pound of merchantable walnuts handled, or certified for handling, by him during such crop year computed as follows: The amount resulting from dividing the approved expenses by the total aggregate pounds of merchantable walnuts which the Board estimates will be handled by all handlers during that crop year.

Any money collected to cover the expenses of the Control Board for any crop year and not expended for that purpose in connection with such crop year's operations shall be refunded to the packers who paid it on the basis of, in the case of each individual packer, the proportion that the amount of the assessment paid by him bears to the total amount of the assessments paid by all packers for the particular crop year.

14. In paragraph 3, section 2, Article XVI (§ 901.17 (third paragraph)), change the phrase "on or before August 1" to read "on or before July 1."

15. Delete Exhibits A and B (§§ 901.19 and 901.20)

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 24th day of July 1947, to be effective on and after 12:01 a. m., P. s. t., August 1, 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7139; Filed, July 29, 1947; 8:48 a. m.]

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended effective August 1, 1947, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) Subdivisions (i) (ii) and (iii) of paragraph (a) (1) of § 904.7 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.21" do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the Greater Boston, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this section became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That subdivisions (i) (ii) and (iii) of paragraph (a) (1) of § 904.7 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "$5.21," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7113; Filed, July 29, 1947; 8:50 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "5.02," does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) notice of proposed rule making, public procedure

thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the New York metropolitan milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "5.02" be and it hereby is suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675, 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7114; Filed, July 29, 1947; 8:50 a. m.]

PART 934—MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.) hereinafter referred to as the "act," and of the order, as amended, effective August 1, 1947, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) Subdivisions (i) (ii) and (iii) of paragraph (a) (1) of § 934.6 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.67," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the Lowell-Lawrence, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That subdivisions (i), (ii) and (iii) of paragraph (a) (1) of § 934.6 of the order and the entire table contained in subdivision (iv) of said paragraph, with the exception of the words "Class I Price (dollars per cwt.)" and the figure or price "5.67," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7111; Filed, July 29, 1947; 8:50 a. m.]

[Bartlett Pear Order 1, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY SIZES

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this amended regulation is based became available and the time when this amended regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Bartlett Pear Order 1, as amended.* Effective at 12:01 a. m., P. s. t., July 30, 1947, the provisions in § 936.326 (b) (2) (ii) of Bartlett Pear Order 1 (12 F. R. 4626) shall read as follows:

(ii) If any shipper, on any day from the beginning of the season, ships from any one shipping point less than the maximum allowable portion of such Bartlett pears of the aforesaid size 195, the amount of such undershipment of such pears may be shipped, from such shipping point, on any subsequent day or days in addition to such Bartlett pears of such size that the respective shipper could have shipped on such day or days: *Provided,* That the total quantity of such size shipped from such shipping point by such shipper from the beginning of the season to any given day shall not exceed five (5) percent of the total shipments of Bartlett pears made by such shipper from such shipping point from the beginning of the season to that day.

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Bartlett Pear Order 1, or (2) as releasing or extinguishing any violation of said Bartlett Pear Order 1 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 25th day of July 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-7174; Filed, July 29, 1947; 9:00 a. m.]

PART 944—MILK IN QUAD CITIES MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 944.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act," and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159; a public hearing was held on February 27, 1947, upon a proposed marketing agreement and a certain proposed amendment to the order, as amended, regulating the handling of milk in the Quad Cities marketing area; and the decision (12 F. R. 4273) was made with respect to the amendment by the Secretary on June 26, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act.

(2) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposed marketing agreement upon which a hearing has been held;

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(4) It is impracticable, unnecessary, and contrary to the public interest to comply with the requirements in section 4, paragraph (c) of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) with respect to the withholding of the effective date of this order for a period of not less than 30 days after publication in that (i) a serious competitive situation exists which threatens to disrupt the orderly marketing of milk in the Quad Cities marketing area; and (ii) administratively it is imperative that the status of handlers who sell milk in other marketing areas as well as in the Quad Cities marketing area, be clarified.

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Quad Cities marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Quad Cities marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Quad Cities marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (January 1947) were engaged in the production of milk for sale in the Quad Cities marketing area.

ORDER REALTIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Quad Cities marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

Amend § 944.6 by adding, at the end thereof, the following:

(e) *Handlers subject to other Federal orders.* In the case of any handler, who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 944.5 (e) of this order.

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I or Class II milk under this order is less than the price provided pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c) of this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk or Class II milk within this marketing area) an amount equal to the difference between the value of such milk as computed pursuant to §§ 944.4 (a) (1) and (2) and 944.4 (c) of this order and its value as determined pursuant to the other order to which he is subject.

(48 Stat. 31, 670, 675; 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 24th day of July 1947, to be effective on and after the 1st day of August 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7116; Filed, July 29, 1947; 8:51 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601, et seq.), hereinafter referred to the as "act," and of the order, as amended, effective August 1, 1947, regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) Subdivisions (i) (ii) and (iii) of paragraph (a) (1) of § 947.6 of the order and the entire table contained in subdivisions (iv) of said paragraph, with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.36," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1947; and

(2) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk produced in August 1947 for the Fall River, Massachusetts, milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That subdivisions (i), (ii) and (iii) of paragraph (a) (1) of § 947.6 of the order and the entire table contained in subdivision (iv) of said paragraph with the exception of the words "Class I price (dollars per cwt.)" and the figure or price "5.36" be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7112; Filed, July 29, 1947; 8:50 a. m.]

PART 970—MILK IN CLINTON, IOWA, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING OF MILK

§ 970.0 *Findings and determinations.* (a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1159), a public hearing was held on February 28, 1947, upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Clinton, Iowa, marketing area; and the decision (12 F. R. 4270) was made with respect to the amendments by the Secretary on June 26, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates

the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in the proposed marketing agreement upon which a hearing has been held;

(3) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supply of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the said order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(4) It is impracticable, unnecessary, and contrary to the public interest to comply with the requirements in section 4, paragraph (c) of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong. 2nd Sess.) with respect to the withholding of the effective date of this order for a period of not less than 30 days after publication in that (i) a serious competitive situation exists which threatens to disrupt the orderly marketing of milk in the Clinton, Iowa, marketing area; and (ii) administratively it is imperative that the status of handlers who sell milk in other marketing areas as well as in the Clinton, Iowa, marketing area be classified.

The foregoing findings are supplementary to and in addition to the findings made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Clinton, Iowa, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Clinton, Iowa, marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Clinton, Iowa, marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (January 1947) were engaged in the production of milk for sale in the Clinton, Iowa, marketing area.

ORDER RELATIVE TO HANDLING

It is hereby ordered, That, on and after the effective date hereof, the handling of milk in the Clinton, Iowa, marketing area shall be in conformity and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 970.4 (a) (1) by deleting therefrom the words "50 cents" and substituting therefor the words "70 cents."

2. Amend § 970.6 by adding at the end thereof the following:

§ 970.6 *Application of provisions.* * * *

(f) *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(1) The handler shall with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator in accordance with the provisions of § 970.5 (a) of this order.

(2) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this order is less than the price provided pursuant to § 970.4 (a) (1) of this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of by such handler as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 970.4 (a) (1) of this order and its value as determined pursuant to the other order to which he is subject.

Issued at Washington, D. C., this 24th day of July 1947 to be effective on and after the 1st day of August 1947.

(48 Stat. 31, 670, 675; 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.)

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7115; Filed, July 29, 1947; 8:51 a. m.]

Chapter XIII—Production and Marketing Administration (Surplus Property)

PART 1700—STATEMENT OF POLICIES ON DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES AND SURPLUS FOODS PROCESSED THEREFROM

The statement of policies issued by the War Food Administrator on March 30, 1945, 10 F R. 7900, 7 CFR 1945, Supp. 1700, is superseded by the following:

Sec.
1700.1 General purpose and scope.
1700.2 Limitations on sales.
1700.3 Consumer protection.
1700.4 Sales of commodities abroad.

AUTHORITY: §§ 1700.1 to 1700.4, inclusive, issued under sec. 21 (a) and 10 (c) of the Surplus Property Act of 1944, as amended; 58 Stat. 775; Pub. Law 584, 79th Cong., 50 U. S. C. App. Sup. 1619, 1630 (a).

§ 1700.1 *General purpose and scope.* (a) Under sections 21 (a) and 10 (c) of the Surplus Property Act of 1944, as amended, the Secretary of Agriculture (successor in this respect to the War Food Administrator) is solely responsible, subject to the supervision of the War Assets Administrator (successor to the Surplus Property Board), for the formulation of policies with respect to the disposal of surplus agricultural commodities and surplus foods processed from agricultural commodities, which are located within the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and subject to the supervision of the Secretary of State for the formulation of policies with respect to such commodities and foods which are located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands) Puerto Rico, and the Virgin Islands. This part, issued under said sections 21 (a) and 10 (c), states the policies which are to be observed by all disposal agencies in connection with the disposal of surplus commodities with respect to which the Secretary of Agriculture has policy making responsibility.

(b) The general policy statements and the regulations issued from time to time by the War Assets Administrator are applicable to the disposal of surplus agricultural commodities and surplus foods processed from agricultural commodities located within the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, except where explicitly otherwise required by the terms of this part.

§ 1700.2 *Limitation on sales.* (a) Surplus farm commodities shall not be sold in the United States (except solely for export) in quantities [1] in excess of, or at

[1] Section 21 (c) of the Surplus Property Act provides that surplus farm commodities are not to be sold in the United States (except for export) in quantities in excess of those in which they may be sold by Commodity Credit Corporation. The only quantitative restriction on Commodity Credit Corporation is to be found in section 381 (c) of the Agricultural Adjustment Act of 1938 which prohibits the sale of more than 300,000 bales of cotton in any calendar month, or more than 1,500,000 bales in any calendar year. See 52 Stat. 66, 7 U. S. C. 1381 (c). However, section 2 of Public Law 30, April 12, 1945, 59 Stat. 50, suspends section 381 (c) until the expiration of the two-year period beginning with the first day of January immediately following the date on which the President, by proclamation, or the Congress, by concurrent resolution declares that hostilities in the present war have terminated. In view of the President's proclamation on the cessation of hostilities of World War II (12 F. R. 1), the quantitative restriction contained in section 381 (c) of the Agricultural Adjustment Act of 1938 will become effective on January 1, 1949.

prices[2] less than, those applicable with respect to sales of such commodities by Commodity Credit Corporation, or at less than current prevailing market prices, whichever may be higher.

(b) Surplus agricultural commodities for which the Department of Agriculture has price-support programs in effect at the time of the sale, and food processed from such commodities, shall not be sold (except solely for export) at prices which will be disruptive of such programs or the market generally. Before such a commodity as sold as surplus below the support price; or food processed from a commodity is sold at a price which will not reflect the support price, unless the sale is solely for export, there must be a finding by the Secretary of Agriculture that the sale at the proposed price will not unduly disrupt the price support program involved.

(c) Surplus agricultural commodities and foods processed from agricultural commodities, other than those described in paragraphs (a) and (b) of this section shall be disposed of in a way designed so as to prevent their being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

[2] Section 2 of Public Law 30, April 12, 1945, 59 Stat. 59, suspends section 381 (c) of the Agricultural Adjustment Act of 1938 (which prohibits Commodity Credit Corporation from selling cotton at a price which is not sufficient to reimburse the United States for its investment in the cotton) until the expiration of the two year period beginning with the first day of January immediately following the date on which the President, by proclamation, or the Congress, by concurrent resolution, declares that hostilities in the present war have terminated; and during the period of such suspension prohibits Commodity Credit Corporation from selling any farm commodity owned or controlled by it at less than the parity or comparable price therefor with the following exceptions: "(1) Sales for new or byproduct uses; (2) sales of peanuts for the extraction of oil; (3) sales for export; (4) sales for seed or feed: *Provided*, That no wheat or corn shall be sold for feed at less than parity price for corn at the time such sale is made: *And provided further*, That in making regional adjustments in the sale price of corn or wheat for feed, the minimum price need not be higher in any area than the United States average parity price for corn; (5) sales of commodities which have substantially deteriorated in quality or of nonbasic perishable commodities where there is danger of loss or waste through spoilage; or (6) sales for the purpose of establishing claims against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity. The method that is used for the purposes of Commodity Credit Corporation loans for determining the parity price or its equivalent for seven-eights-inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eights-inch Middling cotton at such average location for the purposes of this section." In view of the President's proclamation on the cessation of hostilities of World War II (12 F. R. 1), the price restriction contained in section 381 (c) of the Agricultural Adjustment Act of 1938 will become effective on January 1, 1949, and the restrictions based on parity or comparable price, with the enumerated exceptions, are applicable through December 31, 1948.

(d) Surplus commodities and foods described in paragraphs (a) and (b) of this section may be sold solely for export without regard to the restrictions stated in such paragraphs, but only upon an adequate undertaking of the purchaser that the commodity will not later be imported into the United States: *Provided*, That no food or food product shall be sold or otherwise disposed of under this paragraph solely for export unless it is first determined by the Secretary of Agriculture (1) that there is no shortage of such food or food product in the United States and that the proposed sale or other disposal will not result in such a shortage, and (2) that such food or food product is not needed to supply the normal demands of consumers in the United States.

(e) The Department of Agriculture shall keep the disposal agency advised from time to time as to the agricultural commodities for which price-support programs are in effect, and shall give all reasonable assistance in defining the commodities to which the provisions of paragraph (a) of this section are applicable.

§ 1700.3 *Consumer protection.* All reasonable safeguards and precautions shall be taken in cooperation with Federal, State, and local health authorities, to insure that surplus foods which are unfit for human consumption do not go into food uses. Items found to be unfit for human consumption must be segregated under Government supervision. Unfit items may be sold only for reconditioning or reprocessing for food uses or for industrial or nonfood purposes under circumstances and on conditions which will assure that the items are so used.

§ 1700.4 *Sales of commodities abroad.* Commodities located abroad shall promptly be returned to the United States upon the issuance of a declaration and finding by the Secretary of Agriculture that commodities of that type or character are in short supply in the United States and that such return is in the public interest. In the absence of such a finding commodities located abroad, notwithstanding the foregoing provisions of this part, shall be sold or otherwise disposed of abroad upon such terms and conditions and employing such methods of sale or disposition and priority of offering as seem reasonable under all of the circumstances: *Provided*, That if the Secretary of Agriculture determines that a commodity of the same type or character as the commodity located abroad is being exported from the United States and specifies a minimum sales price for the commodity located abroad, sales of such commodity shall not be made at a price below such minimum sales price. Records shall be kept of all disposals abroad and they shall be reported to the Secretary of Agriculture. The disposal agency shall insert in each contract for the sale or other disposition of any such commodity an undertaking on the part of the purchaser not to import the commodity into the United States in the same or processed form: *Provided*, That the foregoing shall not apply where such commodities are sold to a member of the armed forces abroad who certifies to the disposal agency that he is purchasing the commodities for the purpose of bringing them into the United States for his personal use.

NOTE: This section was formerly § 1700.10 and is in effect with regard to surplus agricultural commodities and surplus foods processed therefrom located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, which are disposed of under the supervision of the Secretary of State pursuant to Public Law 534, 79th Congress, approved August 1, 1946. Such disposals are subject to this section and not to any other section of this part.

Effective date. This statement of policies shall become effective August 1, 1947, except that the disposal of property declared to the Department of Agriculture prior to May 1, 1947, may be concluded in accordance with the prior statement of policies.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

JUNE 16, 1947.

Concurred in except as to § 1700.4.

ROBERT M. LITTLEJOHN,
Administrator,
War Assets Administration.

JULY 11, 1947.

[F. R. Doc. 47-7109; Filed, July 29, 1947; 8:45 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

NATIONAL MATCHES, 1947

CROSS REFERENCE: Regulations governing the 1947 national matches (10 CFR, 403.4) appear under "War Department" in the Notices section, *infra*.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. No. 47-7005, appearing at page 4961 of the issue for Friday, July 25, 1947, the third line of § 146.31 (c) (1) (iii) should read "if crystalline penicillin is used, with the date which" Section 146.10 should read "§ 146.40."

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Suspension Order. S-33]

PART 807—SUSPENSION ORDERS

FRED N. COHENNO AND WILLIAM B. HILLIGAN

Fred N. Cohenno, trustee of Eunice Realty Trust of 57 Lambert Avenue,

Stoughton, Massachusetts, and William B. Milligan of 427 Walpole Street, Stoughton, Massachusetts, as contractor, in February 1947, began construction of a restaurant and bar serving alcoholic beverages on land owned by the Trust in Stoughton, Massachusetts, at an estimated cost of $10,000. This was a wilful violation of Veterans' Housing Program Order 1 and continuation of construction would be in violation of Construction Limitation Regulation, issued June 30, 1947 under the Housing and Rent Act of 1947, resulting in a diversion of scarce building materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.33 *Suspension Order No. S–33.* (a) Neither Fred N. Cohenno, nor Eunice Realty Trust, nor William B. Milligan, their successors or assigns, nor any other person shall do any further construction on the bar or do any construction to be used for recreation or amusement prohibited by Construction Limitation Regulation on the premises at 590 Washington Street, Stoughton, Massachusetts, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) Fred N. Cohenno, Eunice Realty Trust and William B. Milligan shall refer to this order in any application or appeal which they or any of them may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Fred N. Cohenno, Eunice Realty Trust, or William B. Milligan, their successors or assigns, nor any other person from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer

[F. R. Doc. 47–7207; Filed, July 29, 1947; 10:07 a. m.]

[Suspension Order S–50]

PART 807—SUSPENSION ORDERS

RODGERS INVESTMENT CO., INC. AND EDGAR STEPHENS & SON, INC.

Rodgers Investment Company, Inc., a corporation of Cairo, Illinois, as owner, and Edgar Stephens and Son, Inc., a corporation of Cairo, Illinois, as contractor, on or about March 4, 1947, without authorization, began the construction of a building, size 208' x 95' at Broadway, Oak and Pine Streets in Poplar Bluff, Missouri, to be used as a theatre and store building. The estimated cost of such building being in excess of $200,000. The beginning of such construction was in violation of Veterans' Housing Program Order 1 and continuation of construction would be in violation of Construction Limitation Regulation, issued June 30, 1947, under the Housing and Rent Act of 1947, resulting in a diversion of scarce building materials to uses not authorized by the Office of Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.50 *Suspension Order No. S–50.* (a) Neither Rodgers Investment Company, Inc., nor Edgar Stephens and Son, Inc., nor any other person shall do any further construction on the premises located at Broadway, Oak and Pine Streets in Poplar Bluff, Missouri, including the putting up, completing or altering any structure thereon, unless thereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) Rodgers Investment Company, Inc. and Edgar Stephens and Son, Inc., shall refer to this order in any application or appeal which may be filed with the Office of the Housing Expediter for authorization to carry on such construction.

(c) Nothing contained in this order shall be deemed to relieve Rodgers Investment Company, Inc. and Edgar Stephens and Son, Inc., their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–7208; Filed, July 29, 1947; 10:07 a. m.]

[Suspension Order S–1072, Revocation]

PART 807—SUSPENSION ORDERS

HARVEY NELSON

In view of the issuance of Control Limitation Regulation, June 30, 1947, under the Housing and Rent Act of 1947, the Chief Compliance Commissioner has directed that the suspension order hereinafter listed be revoked forthwith because construction therein prohibited is now exempt under paragraph (i) of Control Limitation Regulation.

It is therefore ordered, That the following suspension order be revoked, effective as of June 30, 1947: *Provided, however,* That this revocation does not affect any liability incurred for violation of the suspension order prior to revocation. S–1072, Harvey Nelson.

Issued this 25th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer

[F. R. Doc. 47–7205; Filed, July 29, 1947; 10:07 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

MAXIMUM RENTS ESTABLISHED UNDER A LEASE

The following is an interpretation of section 4 (b) of the Controlled Housing Rent Regulations (§§ 825.2, 825.3, 825.4, 825.10) and the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.5, 825.6, 825.7)

Interpretation of section 4 (b); maximum rents established under a lease. Congress has provided in section 204 (b) of the Housing and Rent Act of 1947, that if a landlord and tenant enter into a lease under certain conditions, a maximum rent may be increased up to fifteen percent. Section 4 (b) of the Controlled Housing Rent Regulations and the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments relate to such leases.

In order that a lease may be effective under section 204 (b) of the act and section 4 (b) of the rent regulations to increase the maximum rent otherwise allowable by an amount not to exceed fifteen percent, all of the following requirements must be met:

1. The lease must be in writing and executed (signed) by both the landlord and the tenant.

2. The lease must be executed on or before December 31, 1947.

3. The lease must be entered into voluntarily by both the landlord and the tenant.

4. The lease must be made in good faith.

5. The lease must take effect or commence after July 1, 1947, which is the effective date of the Housing and Rent Act of 1947. This means that the lease cannot take effect on July 1, 1947.

6. The lease must contain an expiration date on or after December 31, 1948.

7. The landlord must file with the area rent office a true and duly executed copy of the lease, or a true and duly executed copy of a lease extension agreement to which is attached a copy of the lease being extended (certified to be a true copy) within fifteen days after the date of execution of the lease or extension agreement.

8. The increase in the maximum rent otherwise allowable must not be more than fifteen percent. An increase of less than fifteen percent may be made.

9. The lease must be a valid lease under local law.

I. *Date of execution of lease.* The execution date must be on or before December 31, 1947. Ordinarily, the effective date of the lease (the date on which the term begins) will be after the date of execution of the lease. A lease, however, will not be ineffective to increase the maximum rent because its effective date is prior to the execution date, *Provided,* That the execution date and the effective date are within the same rent paying period not exceeding one month.

Illustrations: 1. On July 15, 1947, landlord and tenant executed a lease increasing the rent fifteen percent, effective July 2, 1947, and providing for the payment of the rent on a monthly basis. If the lease meets the other requirements of section 4 (b) of the rent regulation, it will be effective to increase the maximum rent even though the effective date of the lease precedes the execution date, because both dates are within the same rent paying period.

2. On August 10, 1947, landlord and tenant execute a lease increasing the rent fifteen percent, effective July 2, 1947, and providing for the payment of rent in monthly installments. This lease is ineffective to raise the rent from July 2, 1947, because the effective date of the lease is prior to its execution date and the two are not in the same rent-paying

period. It is effective, however, to increase the maximum rent from August 2, 1947, if the lease meets all of the other requirements of section 4 (b). In such a case the first day of the rent-paying period in which the lease is executed should be considered the effective date for the purpose of increasing the maximum rent.

II. *Expiration date of lease.* The expiration date of the lease must be December 31, 1948, or later. The lease, therefore, may not be terminable at the will of the landlord before December 31, 1948. An option, however, on the part of the tenant to cancel the lease prior to its expiration date shall not make the lease ineffective to increase the maximum rent.

III. *Extension of existing lease.* Where a landlord and tenant are now parties to an existing written lease which expires before December 31, 1947, they may enter into a written extension agreement, effective at the expiration of the existing lease which extends the lease to December 31, 1948, or later. In such a case, the increase in maximum rent provided in the written extension agreement would take effect at the expiration of the old lease. Likewise, a landlord and tenant who are now parties to an existing written lease may enter into a new rental agreement on or before December 31, 1947, the effect of which would be to modify or cancel the previous lease before its term expires, provided the tenant is granted a new term which does not expire before December 31, 1948. In this case, the increase in maximum rent would take effect on the effective date of the new agreement. In all cases where a written extension agreement or a new agreement changing or modifying the terms of an existing lease agreement are entered into, the landlord is required to file a duly executed copy of the extension or modification of lease agreement, together with a copy of the lease extended or modified (certified by the landlord to be a true copy) within fifteen days after the date of execution of the extension or modification agreement.

Illustrations: 1. The landlord and tenant are parties to an existing lease which expires on September 30, 1947. On August 15, 1947, the parties enter into a written extension agreement in accordance with the provisions of section 4 (b) of the Controlled Housing Rent Regulation to be effective October 1, 1947, which extends the former lease to December 31, 1948. Such a written extension agreement is effective to increase the maximum rent up to fifteen percent from October 1, 1947 under section 4 (b) of the regulation.

2. The landlord and tenant are parties to an existing lease which expires on April 1, 1948. On November 15, 1947, the parties enter into a modification of lease agreement increasing the maximum rent in accordance with section 4 (b) of the regulation, effective December 1, 1947, and extending the term to December 31, 1948. Such a modification of lease agreement is effective to increase the maximum rent up to fifteen percent from December 1, 1947, under section 4 (b) of the regulation.

IV. *Filing requirements.* Under the act and the regulations, a lease shall not be effective to increase the maximum rent unless a true and duly executed copy of the lease is filed within fifteen days after the date of its execution. Filing requirements are met if the copy of the lease is sent by mail and the envelope is postmarked within fifteen days after the date of execution. Similarly, filing requirements are met if the fifteenth day after the date of execution falls on a Saturday, Sunday or legal holiday, and the lease is filed with the area rent office the first day it is opened for business after such Saturday, Sunday, or legal holiday.

Illustrations: 1. A lease is executed on July 15, 1947. It is mailed to the area rent office and the envelope is postmarked on July 30, 1947. This meets the filing requirements of section 4 (b) of the rent regulations.

2. Assume that a lease is entered into on August 15, 1947, and a true and duly executed copy of the lease is filed with the area rent office on Tuesday, September 2. Although the fifteenth day (August 30) expires before the filing of the lease, the filing requirements will be met because, the fifteenth, sixteenth and seventeenth days after the date of execution of the lease will be Saturday, Sunday and Labor Day on which the area rent offices will be closed and the lease is being filed on the next business day, Tuesday, September 2, 1947.

Section 4 (b) of the rent regulations requires also that the landlord file with a true and duly executed copy of the lease, Form D-92, in triplicate (Registration of Lease).

V. *Rent provided for in lease.* A lease is ineffective to increase the maximum legal rent if it increases the maximum legal rent which was in effect immediately prior to the effective date of the lease by more than fifteen percent.

A lease which contains an escalator clause providing for a rent to take effect after December 31, 1948, which is above the fifteen percent limitation, is ineffective to raise the maximum legal rent.

Illustration: The maximum rent for a housing accommodation is $100. On July 15, 1947, landlord and tenant enter into a lease for a term beginning August 1, 1947 and ending December 31, 1949, which provides that the rent shall be $115 per month from August 1, 1947 to December 31, 1948, and $125 per month from January 1, 1949 to December 31, 1949. This lease is ineffective to raise the maximum legal rent.

A lease may contain an escalator clause providing for varying rents for periods between the effective date of the lease and December 31, 1948, *Provided*, The highest rent called for is not more than fifteen percent above the maximum rent otherwise allowable immediately prior to the effective date of the lease. In such case, the maximum legal rent shall be increased in accordance with the terms of the lease.

Illustration: Assume that the maximum rent for a house is $40 per month. The landlord and tenant enter into a lease complying with the requirements of section 4 (b) of the rent regulations which provides for a monthly rent of $42 from August 1, 1947 to October 31, 1947, and a rent of $46 from November 1, 1947 to December 31, 1948. The maximum legal rent for the premises in such a case is $40 from July 1 to July 31, 1947; $42 from August 1 to October 31, 1947; and $46 from November 1, 1947 to December 31, 1947. Such a lease is not inconsistent with the provisions of section 4 (b) of the rent regulations.

If at the time of the execution of the lease, the maximum legal rent is a variable rent, the lease may provide for an increase in the maximum rents up to fifteen percent on each variation.

Illustrations: 1. Assume that a one-family house is located in a resort community and the maximum legal rent is $150 for the months of June, July, August and September, and $40 for the months of October to May, inclusive. Assume, further, that the landlord and tenant desire to enter into a lease increasing the maximum rent by ten percent. In such a case, a lease which otherwise meets the requirements of section 4 (b) of the rent regulations would be effective to increase the maximum rents if it provided for a rent of $165 for the months of June to September, inclusive, and $44 during the months of October to May, inclusive.

2. Assume that the maximum legal rent for a housing accommodation is $40 for the summer months and $45 for the winter months because the landlord provides heat during the winter months. A landlord and tenant could provide in their lease in such a case for a rent of $46 during the summer months and $51.75 during the winter months.

3. Assume that a variable maximum rent was established under the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, by order of an area rent director establishing a variable rent of $45 for five occupants, $50 for six, seven or eight, and $55 for nine or ten occupants. A lease could be made in such a case which would increase the maximum legal rents not more than fifteen percent on a variable basis based upon the number of occupants.

If a landlord and tenant enter into a lease which is effective to increase the maximum rent under section 4 (b) and such lease is terminated prior to December 31, 1947, the maximum rent shall be the rent as established in said lease until December 31, 1947, after which date the premises are no longer subject to the rent regulations.

VI. *Lease providing for decrease in living space, services, furniture, furnishings and equipment.* In order for a lease to effectively increase the maximum rents otherwise allowable, it must be based upon the continuation of the same services by the landlord. Therefore, if a lease provides for a decrease in the living space or essential services, furniture, furnishings, or equipment which are required under the regulations to be provided with the housing accommodations, or a substantial decrease in the other services, furniture, furnishings, or equipment, such lease shall be ineffective to establish a new maximum rent.

Issued July 23, 1947.

ADOLPH H. ZWEBNER,
General Counsel.

[F. R. Doc. 47-7204; Filed, July 29, 1947; 10:07 a. m.]

PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

LIMITATIONS ON REPRESENTATIVE ACTIVITIES BY FORMER EMPLOYEES

§ 853.2 *Limitations on representative activities by former employees*—(a) *What this section does.* This section prescribes the limitations on employees of the Office of the Housing Expediter in dealing in a representative capacity with the Office of the Housing Expediter subsequent to termination of their employment. The provisions of this section are applicable generally to all present and former employees of the Office of the Housing Expediter and former employees of the Office of the Administrator-Office of the Expediter, National Housing Agency; the Office of Temporary Controls (Civilian Production Administration); the Civilian Production Administration; the Office of Temporary Controls (Office of Price Administration) and the Office of Price Administration, with respect to the functions of these agencies which were transferred to the Office of the Housing Expediter by Executive Orders 9320, 9336 and 9841 and the Housing and Rent Act of 1947.

(b) *Definitions.* (1) The term "Office of the Housing Expediter" for the purposes of this section shall be deemed to include "Office of Administrator-Office of the Expediter, National Housing Agency"; "Civilian Production Administration"; "Office of Temporary Controls (Civilian Production Administration)"; "Office of Temporary Controls (Office of

Price Administration)" or "Office of Price Administration" to the extent that functions of these agencies were transferred to the Office of the Housing Expediter by Executive Orders 9820, 9836 and 9841, and the Housing and Rent Act of 1947.

(2) The term "representative capacity" as used in paragraph (d) of this section shall mean the function of rendering representative services of any nature to any person, firm, corporation, or association. "Representative services" does not include the solicitation of or the making of inquiries concerning information which is available to the general public.

(3) The term "person who has held a position as an officer, attorney, clerk or employee in the Office of the Housing Expediter" shall include not only such person but also any individual acting on behalf or under the supervision of such person.

(c) *Two year bar · claims against the United States.* No person who has held a position as an officer, attorney, clerk, or employee in the Office of the Housing Expediter shall act as counsel, attorney, or agent for prosecuting in the Office of the Housing Expediter any claim against the United States which was pending in the Office of the Housing Expediter while he was such officer, attorney, clerk, or employee, nor in any manner, nor by any means, aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, attorney, clerk, or employee.

(d) *One year bar · appearance in representative capacity.* Without limitation on paragraph (c) of this section, no person who has held a position as an officer, attorney, clerk, or employee in the Office of the Housing Expediter may appear in a representative capacity before the Office of the Housing Expediter or an officer, attorney, clerk, or employee thereof within one year after the termination of his employment in that position unless he obtains the prior approval of the Housing Expediter, or a person authorized by the Housing Expediter to grant such approval, in each matter. In applying for such approval he must file an affidavit with the Office of the Housing Expediter, stating:

(1) His former connection with the Office of the Housing Expediter;

(2) Whether his appearance in a representative capacity is in connection with a matter the consideration or handling of which would have devolved upon any Office, Branch, Division or other administrative unit of the Office of the Housing Expediter in which he was employed, either during or subsequent to his employment therein;

(3) Whether while he was connected with the Office of the Housing Expediter, the matter was pending therein; and, if it was so pending:

(i) Whether he gave personal consideration to it, or had any knowledge of the facts involved therein while so connected; and

(ii) Whether he is assisting or will be assisted by any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of the Housing Expediter.

(e) Nothing contained in this section shall be deemed to be in derogation of, or to limit or supersede the provisions of § 904.515 of Procedural Document 5, Civilian Production Administration, 11 F. R. 177A-384 (adopted by the Housing Expediter in Sec. 851.8b (b) of Amendment 1 to Organization Description, Office of the Housing Expediter, 12 F. R. 2120) which apply to representative activities of employees and former employees of the War Production Board, Civilian Production Administration, or Office of Temporary Controls (Civilian Production Administration) in connection with compliance hearings and proceedings of the Office of the Housing Expediter, and which are hereby made applicable also to employees transferred to the Office of the Housing Expediter in connection with the transfer of housing functions to the Housing Expediter under Executive Order 9836.

(f) Nothing contained in this section shall be deemed to be in derogation of, or to limit or supersede the provisions of Procedural Regulation 14, Office of Price Administration, 9 F. R. 1594 (adopted by the Housing Expediter in Rent Control Order 1, Office of the Housing Expediter, 12 F. R. 2986) which apply to the representative activities of employees and former employees of the Office of Price Administration or the Office of Temporary Controls (Office of Price Administration) in connection with rent control functions of the Housing Expediter, and which are hereby made applicable also to employees transferred to the Office of the Housing Expediter in connection with the transfer of rent control functions to the Housing Expediter under Executive Order 9841.

(60 Stat. 207; 50 U. S. C. App. Supp. 1821, Pub. Law 129, 80th Cong., E. O.'s 9820, 9836, 9841)

Issued this 29th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V SARCONE,
Authorizing Officer

[F. R. Doc. 47-7206; Filed, July 29, 1947; 10:07 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Office of Selective Service Records

[Amdt. 1]

PART 606—GENERAL ADMINISTRATION[1]

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in Public Law 26, 80th Congress, approved March 31, 1947, the Office of Selective Service Records Regulations, First Edition, are hereby amended in the following respect:

1. Amend § 606.3 to read as follows:

§ 606.3 *Protection of records.* (a) Paper records of or in the physical custody of the Office of Selective Service Records shall not be loaned, transmitted, or delivered into the physical custody of any person or agency other than an official or agency of the Office of Selective Service Records without the approval of the Director. Paper records may, however, be transmitted between agencies of the Office of Selective Service Records upon request. When such paper records are transmitted between offices of the Office of Selective Service Records they shall be sent by registered mail, and strict accounting maintained of the dispatch and receipt of all such records.

(b) Selective Service Records personnel shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or branch of the Office of Selective Service Records to which it is transmitted or delivered in his files in the place from which the record was withdrawn.

(c) Whenever, in response to a Federal court order, or in the adjudication of any Federal court case arising out of the Selective Training and Service Act of 1940, as amended, or in connection with a Federal court action, it shall become necessary to produce a registrant's file, or any part thereof, as evidence in the proceedings, such file should remain in the personal custody of an official of the Office of Selective Service Records, and leave taken after tender of the original record, to substitute a copy of the file with the court. Whenever a registrant's file, or any part thereof, is required to be produced in court, and such action necessitates the issuance of travel orders or involves the expenditure of funds of the Office of Selective Service Records, the matter will be submitted to National Headquarters for approval. Information in a registrant's file shall be confidential with respect to State and local courts, and will be disclosed or furnished to, or examined by such courts only with the consent, in writing, of the registrant concerned, or of the Director of the Office of Selective Service Records.

2. Amend § 606.4 to read as follows:

§ 606.4 *What records confidential.* Except as in the regulations provided, and in Operations Orders issued pursuant thereto, the information in a registrant's file shall be confidential. A registrant's file will be construed to include (a) his Registration Card (DSS Form 1), (b) his Cover Sheet (DSS Form 53), and contents, and (c) any and all information relating to the individual which is contained in the files of the Records Depot.

3. Amend § 606.5 to read as follows:

§ 606.5 *Information not confidential as to certain persons.* No information in a registrant's file shall be confidential as to the persons designated in this section, and any information may be disclosed, or furnished to, or examined by such persons, namely:

(a) The registrant, or any person having written authority from the registrant.

[1] 12 F. R. 2312.

(b) The legal representative of a deceased registrant upon presentation of letters testamentary.

(c) All personnel of the Office of Selective Service Records while engaged in the administration of the selective service records law.

(d) United States Attorneys and their duly authorized representatives, including agents of the Federal Bureau of Investigation.

(e) Personnel of the Counter Intelligence Corps, United States Army, but only when proper identification and credentials are presented.

(f) Such other agency, official, or employee, or class or group of officials or employees, of the United States or any State or subdivision thereof, but only when and to the extent authorized in writing by the Director, or when listed by the Director in a list of Federal officials authorized to obtain information.

4. Delete § 606.6.

5. Delete § 606.8.

6. Delete § 606.9.

7. Amend § 606.10 to read as follows:

§ 606.10 *"Disclose" "furnish" and "examine" defined.* When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office and in the presence of the custodian thereof.

8. Delete § 606.12.

The foregoing amendment to the Office of Selective Service Records Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

(Pub. Law 26, 80th Cong.)

LEWIS B. HERSHEY,
Director

JULY 25, 1947.

[F. R. Doc. 47-7135; Filed, July 29, 1947; 8:47 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF AERONAUTICS

The following changes are authorized to amend the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159)

Amend §§ 26.6 (b) (1) (7) and § 26.6 (c) to read as follows:

§ 26.6 *Bureau of Aeronautics.* * * *

(b) * * *

(1) The Bureau of Aeronautics is charged with such matters pertaining to naval aeronautics as may be prescribed by the Secretary of the Navy.

* * * * *

(7) It collaborates with the Bureau of Yards and Docks in the design, construction, and alteration of all aeronautic shore establishments, and maintains and repairs such establishments.

* * * * *

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.
- Deputy and Assistant Chief of the Bureau of Aeronautics.
  - Executive Office.
  - Counsel.
  - Military Requirements Division.
  - Plans Coordination Division.
  - Fiscal Divison.
  - Personnel Division.
  - Administrative Services Division.
- Assistant Chief for Research and Development.
  - Technical Data Division.
  - Experimental Program Division.
  - Design Research Division.
  - Design Coordination Division.
- Assistant Chief for Design and Engineering.
  - Design Elements Division.
  - Piloted Aircraft Division.
  - Pilotless Aircraft Division.
  - Power Plant Division.
  - Armament Division.
  - Electronics Division.
  - Airborne Equipment Division.
  - Ships Installation Division.
- Assistant Chief for Matériel and Services.
  - Procurement Division.
  - Shore Establishments Division.
  - Maintenance Division.
  - Inspection Division.
  - Supply Division.
  - Publications Division.
  - Photographic Matériel Division.

Each Division in the Bureau is headed by a director and is generally subdivided into Branches and Sections.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-7030; Filed, July 29, 1947; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—INTERNATIONAL POSTAL SERVICE

MAIL SERVICE TO GREAT BRITAIN AND NORTHERN IRELAND

The regulations under "Great Britain and Northern Ireland" (39 CFR, Part 21, Subpart B, Service to foreign countries) are amended as follows:

1. In the item Regular mails, insert subitem "Routing."

2. In the item Regular mails, insert the following before the first paragraph in the subitem "Observations."

Observations. The importation into the United Kingdom of various kinds of merchandise is either entirely prohibited or permitted only under license previously obtained by the importer from the Import Licensing Department of the Board of Trade, 25 Southampton Building, London W. C. 2, England. Although such licenses are not required to accompany the parcels at time of mailing, it is suggested that exporters ascertain in advance that the importer has obtained the necessary license or is able to obtain it provided it is required. This restriction does not apply to gift shipments sent by a private sender to private addressee nor to trade samples.

Mail articles for delivery in London, England, to secure delivery should include in all cases: 1. Name of addressee. 2. Number (or if there is no number, the name) of the house. If a house bears a name and also a number, the number should always be used, whether or not the name be added. 3. Name of street or road in which the house is located. 4. The words "London, England." 5. Initials of the postal district, followed by the number of the office of delivery: thus, "S. W. 4," "N. W. 8." In the case of articles for delivery in other parts of Great Britain and Northern Ireland, the name of the country is an essential part of the address.

It is recommended to senders that any article of printed matter with dutiable contents be plainly marked "c/o The Officer of Customs and Excise" in addition to bearing the full name and address of the addressee. A post-office fee of 6d. for clearance through the customs is charged on each package on which customs duty is levied.

There are listed below the names of the counties and principal towns in Northern Ireland:

Antrim:
- Ballymena.
- Belfast.
- Carrickfergus.
- Larne.
- Lisburn.
- Portrush.
- Tommebridge.
- Whitehead.

Down:
- Banbridge.
- Bangor.
- Downpatrick.
- Kilkeel.
- Newcastle.
- Newry.
- Newtownards.

Londonderry:
- Coleraine.
- Kilrea.
- Limavady.
- Magherafelt.
- Portstewart.

Armagh:
- Lurgan.
- Portadown.

Tyrone:
- Cookstown.
- Dungannon.
- Moy.
- Omagh.
- Strabane.

Fermanagh:
- Enniskillen.

3. In the item Regular mails, amend the subitem "Prohibitions" to read as follows:

Prohibitions. Imitations of postage stamps. Articles bearing imitations of British, foreign, or colonial postage stamps, out of circulation or not.

Check books must be sent exclusively in the letter mails.

Arms, parts of arms, munitions, and similar articles.

Paint, varnish, turpentine, lacquer, and similar articles having a flash point of less than 200° F., except that such articles up to a gross weight of 8 ounces and having a flash point of 80° F. or more will be accepted for transmission in the sample mails when packed in accordance with the regulations governing the transmission of liquids.

The articles prohibited in the form of parcel post are also prohibited when sent through the regular mails, except the following: Coins, manufactured or unmanufactured platinum, gold and silver; precious stones, jewelry or other precious articles (but coins not intended for ornament and gold in ingots must not exceed £5 in value); circulars; liquids or substances for analysis or for medical examination and pathological specimens (in the form of samples); leeches and silkworms (in the form of samples); and clean rags (in the form of samples).

Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

The importation of dutiable articles into the United Kingdom by sample post is in general prohibited, and dutiable articles so imported are liable to forfeiture. The prohibition is relaxed, however, in the case of genuine trade samples as shown below, sub-

ject to compliance with the following requirements.

(1) Chemicals liable to key industry duty (other than any such goods falling within the provisions of the Dangerous Drugs Acts of 1920–32, or the Dyestuffs Importation Acts of 1920–34). See "Dyestuffs (synthetic, organic), etc.," paragraph (7) below.

(2) Raw chicory in quantities not exceeding half a pound net weight per package will be delivered free of duty. Only one sample of the same description of goods, unless of different brands, may be sent to each addressee.

(3) Chloral hydrate in quantities not exceeding 1 ounce net weight per package will be delivered free of duty.

(4) Raw cocoa in quantities and under conditions similar to those stated in paragraph (2) above.

(5) Raw coffee in quantities and under conditions similar to those stated in paragraph (2) above.

(6) Dried fruit in quantities and under conditions similar to those stated in paragraph (2) above.

(7) Dyestuffs (synthetic, organic), including pigment dyestuffs, whether soluble or insoluble; compounds, preparations and articles made with the aid of such dyestuffs, other than any such compounds, preparations or articles incapable of use in dyeing, may be imported under the following conditions: The gross weight of each package must not exceed 8 ounces, and customs duty at the appropriate rate will be collected. Each package must be clearly marked: "C/O the Officer of Customs and Excise," in addition to bearing the full name and address of the addressee and a declaration that the contents are of no commercial value. A postal fee of 6 pence for clearance through the customs will be levied on each package on which customs duty is levied.

(8) Goods (excluding textiles) liable to duty under the Import Duties Act of 1932 or the Ottawa Agreements Act of 1932: Packages containing articles which are genuine trade samples of goods liable to duty only under the aforesaid Acts may be imported free of duty under the following conditions: The samples must not have any salable value, being effectively disfigured or mutilated if necessary. Only one sample of the same description, brand, color or variety may be sent to each addressee.

(9) Hops in packages not exceeding 16 ounces gross weight will be delivered on payment of duty at a flat rate of 8 pence per package.

(10) Playing cards: Packages containing only one or two packs will be delivered free of duty provided that one of the corners of each card has been cut to the extent of half an inch along the side and end.

(11) Sugar and sugar confectionery in quantities and under conditions similar to those stated in paragraph (2) above.

(12) Tea in packages not exceeding 8 ounces gross weight each will be delivered on payment of duty in accordance with the following scale: (a) If the gross weight of the sample is under 3 ounces, or the net weight under 1 ounce, free of duty; (b) if the gross weight of the sample is 3 ounces or more, but does not exceed 8 ounces, a flat rate of 2 pence per package.

(13) Textiles (including silk and artificial silk) may be imported subject to the following conditions: The gross weight of each package must not exceed 16 ounces. Only one sample of the same range and color may be sent to one and the same addressee. Each package must be plainly marked "C/O The Officer of Customs and Excise" in addition to bearing the full name and address of the addressee. Duty will be waived in the following cases: (a) Tissues (including ribbons) in lengths not exceeding 1 yard irrespective of the width from selvedge to selvedge; (b) piece goods liable to ad valorem duty, such as cords, gimps, etc., in lengths not exceeding 1 yard; (c) ribbons in lengths not exceeding two and a half yards: *Provided*, That they are snipped at intervals of not more than 9 inches; (d) yarns, raw silk and waste silk not exceeding 4 ounces. Yarns, tissues, ribbons, braids, cords and trimmings, raw silk, silk waste or artificial silk waste exceeding the above limits but not exceeding 16 ounces gross weight will be charged with the appropriate duty. Each package must be plainly marked "C/O The Officer of Customs and Excise", in addition to bearing the full name and address of the addressee and particulars of the value, net weight and (in the case of silk and artificial silk tissues) the square yardage. A postal fee of 6 pence for clearance through the customs will be levied on each package on which customs duty is levied.

(14) Tobacco. Type-samples of unmanufactured tobacco in articles not exceeding six ounces in gross weight each will be delivered upon payment of a uniform customs duty of 12 shillings 9 pence per article.

(15) Bees. Each package containing live bees must be marked plainly "C/O the Officer of Customs and Excise" in addition to bearing the full name and address of the addressee.

(16) Printing plates. Each package must be plainly marked "Printers' Blocks," and "C/O the Officer of Customs and Excise," in addition to bearing the full name and address of the addressee.

(17) Serum in glass ampoules is admitted if rendered harmless by the manner of preparation and packing. Each article must be plainly marked "C/O the Officer of Customs and Excise," in addition to bearing the complete name and address of the addressee. Customs duty will be charged at the appropriate rate. A postal charge of 6 pence for customs clearance will be charged for each package on which customs duty is levied.

Dutiable prints: It is recommended that each article of printed matter containing dutiable material be plainly marked "C/O the Officer of Customs and Excise," in addition to bearing the complete name and address of the addressee. A postal charge of 6 pence for customs clearance will be charged for each package on which customs duty is levied.

4. In the notes to the table of rates in the item "Parcel post," insert the following:

(The insurance service to the Channel Islands is suspended.)

5. In the item "Parcel post," delete the subitem "Routing."

6. In the item "Parcel post," delete the second paragraph of the subitem "Insurance."

7. In the item "Parcel post," delete the first two paragraphs of the subitem "Observations" and insert in lieu thereof the following:

Observations. Parcel post packages are divided into two classes, namely, bona fide unsolicited gift parcels; and all other parcels. The following shall be observed in the acceptance of parcels under the two classes mentioned:

(a) *Bona fide unsolicited gift parcels addressed to individuals.* All such parcels must be endorsed by the senders with the words "Unsolicited Gift." A gift is not regarded by the British service as unsolicited if it is received as a result of a prior communication sent by the recipient to the donor. While parcels sent as gifts do not require a British import license, they may, nevertheless, be subject to customs duty and, in some cases, to the United Kingdom purchase tax, which the addressee must pay in order to obtain delivery of the parcel.

(b) *All other parcels.* All acceptable merchandise not sent as an unsolicited gift will be admitted into the United Kingdom only under a license which the importer must obtain from the Import Licensing Department of the Board of Trade, 1-6 Tavistock Square, London, W. C. 1, England. In the case of books and other printed matter sent by mail, delivery will be expedited if the titles and the number of volumes, pamphlets, etc., of each title are shown on the outside of the wrapper. All parcels not coming within the requirements set forth in paragraph (a) above for "Unsolicited gift parcels" will be regarded as having been accepted with the understanding that the responsibility for previously determining that the articles sent will be admitted and for obtaining the required import license rests with the sender and addressee, and the Post Office Department will assume no responsibility arising from the failure or the inability of the addressee to produce the import license.

Carbon paper coated with wax and not containing any oxidizable oily or fatty substance must be described accordingly on the customs declaration.

8. In the item "Parcel post," amend paragraph (4) of the subitem "Prohibitions—for reasons of sanitary policy" to read as follows:

(4) Goat hair and goat wool, and hair and wool of animals from Egypt (including the Sudan); also all articles mixed with those materials.

9. In the item "Parcel post," amend paragraph (3) (c) of the subitem "Prohibitions—for the protection of animals or plants against extermination or diseases," to read as follows:

(c) Raw vegetables (including tomatoes, aubergines and salads, but not mushrooms or cucumbers), if imported between April 21 and September 30 of any year.

10. In the item "Parcel post," amend paragraph (4) of the subitem "Prohibitions—for the protection of animals or plants against extermination or diseases" to read as follows:

(4) Trees, shrubs and plants of the following genera: Ulmus (elm), Abies (fir), Larix (larch), Picea (spruce), Pinus (pine), Pseudotsuga (Douglas spruce), Sequoia (redwood), Thuja (Thuya), and Tsuga (hemlock), and the roots, layers, cuttings or other parts of these trees, shrubs or plants, as well as plants and parts of plants, not including the seeds, of sugar beets (Beta vulgaris L), and chrysanthemums, except when imported for instructional, scientific and similar purposes under and in accordance with the conditions of a license issued by the Ministry of Agriculture and Fisheries.

11. In the item "Parcel post," amend subitem "Prohibitions—arms, munitions, etc." to read as follows:

Arms, munitions, etc..

(1) Firearms, deadly weapons, and parts thereof, except air guns, unrifled hunting guns having barrels not less than 20 inches long and parts thereof; these exceptions, however, do not apply to articles for Northern Ireland.

(2) Arms of all kinds intended or adapted for throwing liquids, gas, or other injurious substances, and parts thereof.

(3) Accessories intended or adaptable for reducing the sound or flash from firearms.

NOTE: The articles mentioned in the above three paragraphs are exceptionally admitted as parcel post, subject to permission from the competent British authority.

(4) Munitions containing liquids, gas, or other harmful substances, or those intended or adapted to contain them; also parts of such munitions.

(5) Nonexplosive components of artillery fuses.

12. In the item, parcel post, amend paragraph (10) of subitem "Prohibitions—For other reasons" to read as follows:

(10) Live animals, with the exception of bees, leeches, and silkworms placed in well-constructed boxes.

13. In the item, parcel post, amend paragraph (12) of subitem "Prohibitions—For other reasons" by deleting the closing parenthesis, and adding the following:

However, the prohibition mentioned is waived temporarily so as to permit the mailing of these articles in unsolicited gift parcels addressed to private individuals.).

14. In the item, parcel post, add a new paragraph (27) to the subitem "Prohibitions—For other reasons" to read as follows:

(27) Processed milk, under the provisions of the Agricultural Marketing Act of 1933, may be imported by parcel post only upon production of (a) a license issued by the Board of Trade, or (b) a certificate in the form approved by the Board of Trade. "Processel milk" means condensed whole milk, condensed skimmed milk, full-cream milk powder, skimmed milk powder, buttermilk powder, whey powder, or cream.

15. In the item, parcel post, amend the second paragraph of subitem "Prohibition—Articles in transit:" to read as follows:

Advertisements concerning venereal diseases; vaccines, etc.; tea unfit for human consumption, exhausted, or adulterated; butter, margarine, etc.; firearms, etc.; gold or silverware not having the legal alloyage; prison-made goods; synthetic organic dyes, etc.; books, etc., protected by British copyright laws; extracts, etc., of coffee, chicory, tea, and tobacco; foreign coins other than gold or silver; advertisements of fortune tellers; processed milk.

(R. S. 161, 396, Secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 369)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-7045; Filed, July 29, 1947; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2346]

PART 4—DELEGATIONS OF AUTHORITY

DETERMINATION OF CLAIMS RELATING TO IRRIGATION WORKS

The following section is added to Part 4:

§ 4.22 *Determination of claims relating to irrigation works.* (a) The Solicitor of the Department of the Interior is authorized to determine whether claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works at Indian irrigation projects shall be allowed in whole or in part or shall be disallowed. Any award which may be made by the Solicitor pursuant to this paragraph and which may be accepted by the claimant in full satisfaction of his claim shall be paid out of funds available for the Indian irrigation project involved in the claim.

(b) The Solicitor is authorized to determine whether claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works by the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed. Any award which may be made by the Solicitor pursuant to this paragraph and which may be accepted by the claimant in full satisfaction of his claim shall be paid out of funds available to the Bureau of Reclamation for such purpose. (R. S. 161, 45 Stat. 1252; 5 U. S. C. 22, 25 U. S. C. 388)

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

JULY 23, 1947.

[F. R. Doc. 47-7093; Filed, July 29, 1947; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND PUREBRED ANIMALS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930 (19 U. S. C., sec. 1201, par. 1606) proposes to recognize the book of record of Thoroughbred horses entitled "Stud Book De Chile" published by the Club Hipico de Santiago (Fermin Donoso D., Secretary) and to add the name of the stud book to the list of books of record named in 9 CFR and Supps. 151.6 (a) under the subheading "Horses"

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 24th day of July 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7110; Filed, July 29, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 324]

MODIFICATIONS OF THE UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

PROPOSED RULE MAKING

At a session of the Interstate Commerce Commision, Division 1, held at its office in Washington, D. C., on the 16th day of July A. D. 1947.

The matter of modifying the "Uniform System of Accounts for Carriers by Inland and Coastal Waterways," being under consideration by the division pursuant to the provisions of section 20 of part I and section 313 of part III of the Interstate Commerce Act and the modifications which are attached hereto and made a part hereof being deemed necessary for administration of the provisions of parts I and III of the act (54 Stat. 917 and 944; 49 U. S. C. 20 (3) and 313 (c), *It is ordered*, That:

(1) Any interested party may on or before August 29, 1947, file a written statement with the Commission's Secretary setting forth reasons why the modifications should not become effective as hereinafter ordered and request oral argument thereon, which request will be granted if the reasons be substantial; and,

(2) Unless otherwise ordered upon consideration of such objections, the said modifications shall become effective January 1, 1948; and,

(3) A copy of this order shall be served upon every carrier by water in inland and coastal waterways and every lessor thereof subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier or lessor, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

BALANCE-SHEET INSTRUCTIONS

1. In § 324.24 *Company securities owned*, cancel the titles of accounts 191 and 190, and substitute the following titles: 191, "Reacquired and nominally issued capital stock," and 190, "Reacquired and nominally issued long-term debt."

2. In paragraph (d), first sentence of § 324.26 *Discount, expense, and premium on capital stock*, cancel the title of account 191 and substitute the following title: 191, "Reacquired and nominally issued capital stock," and eliminate the words "—Total book liability" from the title of account 240.

In paragraph (d) second sentence, cancel the sentence and substitute the following for it: "The difference between the amount at which such reacquired stock was recorded in acount 240, 'Capital stock,' and the amount paid by the accounting company for such stock, combined with the recorded premium or dis-

count and expense in respect to the reacquired stock at the date reacquired, shall be included in account 250.1, 'Paid-in surplus. "

In paragraph (e) cancel the title of account 191 and substitute the following title: 191, "Reacquired and nominally issued capital stock."

BALANCE-SHEET ACCOUNTS

3. Following Note B to § 324.1–180 *Organization,* change the caption "Reacquired Securities" to read "Company Securities."

4. In § 324.1–190 *Reacquired long-term debt,* cancel the title of this account and substitute the following title: 190, "Reacquired and nominally issued long-term debt."

5. In § 324.1–191 *Reacquired capital stock,* cancel the title of this account and substitute the following title: 191, "Reacquired and nominally issued capital stock," and eliminate the words "—Total book liability" from the title of account 240 referred to in the second sentence of the text.

6. In § 324.1–240 *Capital stock; total book liability,* eliminate the words "total book liability" from the title of this account.

7. In § 324.1–241 *Capital stock subscribed,* eliminate the words "—Total book liability" from the title of account 240 referred to in the last sentence of the text.

8. In paragraph (a) of § 324.1–242 *Premiums and assessments on capital stock,* eliminate the words "—Total book liability" from the title of account 240 referred to in the text.

In paragraph (b), cancel the paragraph and substitute the following:

(b) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be charged hereto.

9. In § 324.1–243 *Discount and expense on capital stock,* designate the present text as paragraph (a) and insert the following paragraph (b)

(b) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be credited hereto.

By the Commission, Division 1.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47-7109; Filed, July 29, 1947; 8:50 a. m.]

NOTICES

WAR DEPARTMENT

[Bulletin 9]

NATIONAL MATCHES, 1947

JULY 2, 1947.

Rules and regulations for the National Matches, 1947 are set forth below:

SECTION I. *Authorization, scope, and date of matches—1. General conditions.* The rules and regulations for the national matches, except as provided for and published herein will be found in the official program of the national matches, FM 23–35, AR 600–75, (10 CFR §§ 404.1 to 404.4) and the Official Rules for Rifles and Pistol Shooting, National Rifle Association (latest revision)

2. *Date and place at which national matches will be held.* For the year 1947 the national matches will be held at Camp Perry, Ohio, for a period of 13 days beginning Monday, August 4, 1947, and ending Saturday, August 16, 1947, both dates inclusive.

3. *Executive officer may change program.* The foregoing dates and periods prescribed for the national matches will govern unless changes are necessary. In that case the executive officer will make the required alterations in the program.

SEC. II. *Officials of the national matches—1. Duties.* The officials of the national matches and their assistants are charged with duties as follows:

a. The executive officer will have command of the camp and general charge of the national matches.

b. The assistant executive officers will perform such duties as the executive officer may direct.

c. The adjutant will discharge the duties of adjutant to the executive officer.

d. The quartermaster will have charge of transportation, and the issue of stores and supplies of his own department to officials, troops, and competitors during the matches. He will discharge such other duties as may be assigned to him by the executive officer.

e. The range director will have general supervision of the supply, maintenance, and operation of all ranges prior to and during the national matches. He will have charge of all permanent and daily details of range personnel. Previous to the matches, he will establish and conduct such schools for range personnel as the executive officer may deem necessary. He will be assisted by chief range officers, one of whom will have charge of the operation of each of the several pistol and small-bore ranges.

f. The statistical officer will keep the record of all match firing. He will keep the records of eligibility and assign the competitors to targets and to relays for firing. He will verify the additions of the scores as reported by the scorekeepers when necessary, grade the scores in order of excellence, prepare and publish in official bulletins the results of all matches, and announce the awards of trophies, medals, and other prizes.

g. The mess officer will establish and operate the competitors' mess and such other messes as the executive officer may direct.

h. The surgeon will have charge of the health and sanitary conditions of the camp and rifle range, conduct necessary physical examinations, and perform such other duties as pertain to his profession.

i. The ordnance officer, under the direction of the executive officer, national matches, will establish and maintain the ordnance depot. He will operate a repair shop.

j. The inspector will inspect the camp, ranges, and all activities, agencies, and installations connected therewith for police and sanitation, as well as for the safety and comfort of all.

k. The camp director will prepare and execute plans for the reception and quartering of persons attending the national matches. He will have charge of the registration and billeting of all personnel and keep a directory of all persons; supervision of delivery, and collection of ordnance and quartermaster supplies and personal and team baggage to billeting areas; operation of a camp information service; administration of areas; utilities; the striking of camp; and the storage of property. He will discharge such other duties as may be assigned to him by the executive officer.

l. The signal officer will have charge of the electrical equipment of the range and of the property of the Signal Corps and will perform the duties of signal officer for the camp and the range. He will provide adequate signal communication for the national matches.

m. The provost marshal will also perform the duties of police officer and fire marshal. He will maintain good order and provide for the proper police of the camp. He will regulate traffic and post such signs as may be necessary. He will have general supervision and control of all fire-prevention measures and all available fire-fighting equipment at Camp Perry during the period allotted to the national matches.

n. The finance officer will have charge of all receipts, disbursements, and accounts, and render the necessary reports and returns, and perform such other duties as the executive officer may direct.

o. The commanding officer of troops will have command of all troops on duty at the national matches. Pursuant to directives from the executive officer, he will assign commissioned and enlisted personnel from his command to various fatigue duties and special duties pertaining to the conduct of the national matches.

SEC. III. *National Rifle Association Matches—1. Matches.* The matches of the National Rifle Association will consist of the following parts:

a. Small-bore rifle matches.

b. Pistol and revolver matches.

2. *Information.* Detailed information concerning these matches will be found in the program of the national matches.

SEC. IV *National Trophy Individual Pistol Match—1. When fired.* Friday, August 15, 1947.

2. *Open to.* Any citizen of the United States 16 years of age or over, who has demonstrated his ability to fire a score of at least 180 over the national match pistol course or can satisfy the executive officer that he has shot scores demonstrating an equivalent standard of proficiency.

3. *Elimination of competitors.* The executive officer may, in his discretion and by such standards as he may prescribe, eliminate competitors after each stage of the national individual pistol match.

4. *Course of fire*—a. *Stages*—(1) *First stage.* Slow fire, 50 yards—Standard American 50-yard target, 2 strings (5 shots each) · 5 minutes per string.

(2) *Second stage.* Timed fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each) · 20 seconds per string.

(3) *Third stage.* Rapid fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked; known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each) 10 seconds per string.

b. *Arm.* Pistol, U. S., caliber .45, M1911 or M1911A1. (See paragraph 1, Section VII.)

c. *Ammunition.* As issued.

5. *Entries.* a. Individual competitors may make entry in person or by mail addressed to the Statistical Officer, National Matches, Camp Perry, Ohio.

b. Entries will close not later than 1700, Wednesday, August 13, 1947.

6. *Positions.* Standing without body or artificial rest; one hand only to be used.

7. *Trophies, medals, and certificates*—a. *Trophy.* (1) The "Custer" trophy will be awarded to the winner, to be held until the next national matches.

(2) A miniature of the "Custer" trophy will also be awarded to the individual winning the original trophy, this miniature trophy to be permanent property of the winner.

b. *Medals.* A medal will be awarded to each of the highest 10 percent of the nondistinguished competitors, as follows:

(1) One-sixth will be gold for the highest scoring competitors.

(2) One-third will be silver for the next highest scoring competitors.

(3) One-half will be bronze for the next highest scoring competitors.

(4) Distinguished pistol shots will be placed according to their respective scores among the above medal winners. Only one medal of each class will be awarded any medal winner, regardless of the year in which won. After one medal of any class (gold, silver, or bronze) has been issued a medal winner in the same class thereafter will be issued an appropriate bar in lieu of a medal.

These medals and bars will be mailed to winning competitors.

c. *Certificates.* A certificate will be awarded successful competitors, not distinguished pistol shots, upon basis of scores published in official match score bulletin.

8. *Qualification badges.* An appropriate badge representing qualifications in the Regular Army course will be issued to each civilian and member of a regularly constituted law enforcement agency, who qualifies as pistol expert, pistol sharpshooter, or pistol marksman in the national individual pistol match. Qualifying scores: Pistol expert, 240; pistol sharpshooter, 225; pistol marksman, 210.

SEC. V. *National Trophy Pistol Team Match*—1. *When fired.* Friday, August 15, 1947.

2. *Open to.* Teams of four firing members from the following (each team shall have a team captain who may or may not be one of the four firing members, and each team may have one alternate if desired)

a. *Civilian and police.* (1) One team from each National Rifle Association affiliated rifle or pistol club.

(2) One team from each regularly organized municipal, county, state and federal law enforcement agency in the United States.

(3) One team from the Reserve Officers' Training Corps of each army area, naval district, and air force area.

b. *The armed services.* (1) One team from each division of the Army Ground Forces, Marine Corps, federally recognized National Guard, Organized Reserves of the Army, and Marine Corps Reserve.

(2) One team from each regiment or separate battalion of the Army Ground Forces, the Corps of Engineers, Marine Corps, federally recognized National Guard, Organized Reserves of the Army, and the Marine Corps Reserve.

(3) One team from each battleship, heavy cruiser, or division of smaller ships in the Navy and Coast Guard.

(4) One team from each post, camp, station, or Navy yard complement of the Army, Navy, Marine Corps, and Coast Guard. (This does not include tactical units stationed thereat.)

(5) One team from each numbered air force and each major air command of the Army, Navy, and Marine Corps Air Forces.

(6) One team from the Naval Reserve (surface units) of each naval district and the Marine Corps Reserve of each Marine Corps reserve district.

(7) One team from each station of the Naval Air Reserve Training Command.

(8) One or more teams from units and individuals assigned or attached to each corps, Army, or higher headquarters, and from each State National Guard Headquarters.

(9) One team from the Civil Air Patrol, the Air National Guard, and Air Reserve of each state.

3. *Eligibility requirements.* a. At least one of the shooting members of each pistol team will be a man who has never before fired as a member of any national match pistol team.

b. No team will have as a team captain, or as a shooting member or alternate, anyone who was less than 16 years of age on his last birthday and who is not a male citizen of the United States.

c. A pistol or revolver competitor can have but a single status with respect to pistol or revolver competition: Regular Service, National Guard, Reserve, Police, Civilian.

d. Individuals of the Regular services holding Reserve appointments will be eligible to shoot in their Regular status only. Retired officers and retired enlisted men of the Regular services are classified as service individuals.

e. A police competitor is one who is a bona fide member of a regularly constituted law enforcement agency, including highway patrol, railroad and bank guard, armored truck and express companies, from which department or company he receives full-time pay for such work.

f. A civilian competitor is one who is without any Regular service, National Guard, Reserve, or police affiliation whatsoever. Members of the Reserve Officers' Training Corps teams are classified as civilians.

g. Members of the National Guard or Reserve may fire as police, provided they are bona fide members of organized police or constabulary forces or other law-enforcing agencies, as described in e above.

h. Any team will be disqualified in which any of its members or alternates have entered in a false status.

4. *Course of fire*—a. *First stage.* Slow fire, 50 yards—Standard American 50-yard target, 2 strings (5 shots each) 1 minute per shot.

b. *Second stage.* Timed fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each) 20 seconds per string.

c. *Third stage.* Rapid fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 strings (5 shots each) · 10 seconds per string.

5. *Positions.* Standing without body or artificial rest; one hand only to be used.

6. *Trophies and medals.* a. The Gold Cup Trophy will be awarded to the winning team to be held until the next national matches. A medal will be awarded to each member of the highest ten teams.

b. A miniature of the "gold cup" trophy will also be awarded to the team winning the original trophy, this miniature trophy to be the permanent property of the winning team.

7. *Allowances for members of pistol teams.* Allowances or reimbursements for transportation and subsistence will not be paid to any member of a pistol team. Bedding and quarters will be provided.

8. *Entries.* Not later than the time mentioned in the match programs, each team captain will submit to the statistical officer at his office on blank score cards, in duplicate, furnished for the purpose, a legible list of the members of his team certifying as to their eligibility, and showing the correct first name, middle initial, last name, grade, and organization of the team. (Team captain, 4 principals and one alternate, if desired.) At the same time he will submit to the sta-

tistical officer the team eligibility list on the blank form furnished by the statistical officer. The alternate listed, and no other, may be substituted as a principal at any time previous to the beginning of the score of the last principal of the initial stage of the match. Thereafter, substitution may be made only on surgeon's certificate of disability approved by the executive officer. The team captain may serve as a shooting member provided he has been listed as a shooting member or alternate and is otherwise eligible.

SEC. VI. *General regulations applicable to all matches*—1. *General.* The executive officer may, in his discretion, in order to operate the range efficiently, change the order of matches or the order of firing the stages of any match.

2. *Firing areas.* The firing areas on each range will be organized into a firing line, a ready line, and an assembly line.

3. *Duties of range officers.* a. The chief range officer of each range will be responsible at all times to the range director for the proper equipment and operation of the range to which he is assigned.

b. All other officers assigned to duty as range officers will function directly under the chief range officer on the range to which they are assigned. As assistants on any range their duties will be:

(1) To insure that all competitors comply with range and match regulations.

(2) To supervise scoring.

(3) To make any necessary changes on recorded scores and to initial them.

(4) To require the competitor, or in case of team matches, the team captain, to sign the score cards when firing is finished.

(5) To deliver the completed score cards to the chief scorer.

4. *Duties of target officers.* The chief target officer on each range is an assistant to the chief range officer on that range. Other target officers will function directly under the chief target officer.

5. *Coaching.* Coaching will not be permitted in individual matches.

6. *Station of competitors.* Each competitor will remain on or in rear of the assembly line in rear of the firing point until called by the range officer to take his position at the ready line or firing point.

7. *Station of noncompetitors.* No one except the officials of the range, members of the National Board for the Promotion of Rifle Practice, the competitors on the firing points, and scorers and others on duty will be permitted in front of the assembly line without special permission of the officer in charge of the range.

8. *Competitors present punctually.* Competitors will be present at the firing points punctually at the target and relay stated on their squadding tickets. No application on the part of a competitor for an alteration of his squadding assignment will be entertained.

9. *Copetitors called in advance.* In slow fire stages of individual matches the competitor next to fire may be called to the ready line while the competitor is still firing, and called to the firing point when the competitor firing has completed his score. Any competitor will forfeit his right to fire if he appears at the proper target after the time shown on his score card for him to appear unless he presents satisfactory evidence that he is late through no fault of his own. If he does not appear when called, another competitor present may be called to the firing point.

10. *Challenges.* Challenges will be handled in accordance with the latest issue of official National Rifle Association Rules for the conduct of matches. The challenge fee will be $1 and will be charged to all competitors making challenges. All challenge money will be delivered to the range director at the end of each day's firing, who in turn will deliver it to the executive officer.

11. *Safety precautions.* No arms will be loaded except on command at the firing point. During and after loading the pistol, and after loading, the revolver, will be kept at raised pistol until unloaded, except when aimed at the target for firing. Except when the competitor is at the firing point in the act of firing or ready to fire, pistols exposed to view will have their magazines withdrawn and slides pulled back, and revolvers exposed to view will have their cylinders swung open. During and after loading, the muzzle of weapons will be kept pointed in the direction of target until unloaded.

12. *Ammunition, unauthorized.* In the National Trophy Matches any competitor having any ammunition about his person when he takes his place at the firing line, other than that authorized, will be immediately disqualified.

13. *Firing, unauthorized.* No firing except at the targets in prescribed competition or authorized practice will be allowed. Any violation of this rule will disqualify the offending competitor for the period of the matches.

14. *Arms.* No weapon will be available for issue to competitors.

15. *Competitors may be required to score, prepare of paste targets, or act as range officers.* Any competitor who is detailed to perform any of these duties and fails to do so in a manner satisfactory to the range director will forfeit his right to compete in that match and, in the discretion of the executive officer, may be disqualified during the remainder of the matches from further participation in any match or any practice.

16. *Protests.* Protests and appeals may not be submitted directly to the executive officer, but will be submitted to the range officer or statistical officer concerned. In case a competitor considers the decision of latter unwarranted by the facts presented, he may appeal orally to the range director and then to the executive officer in writing before 9 p. m. of the day of the occurrence. In case the competitor desires to appeal from executive officer's decision such appeal will be submitted in writing within 12 hours. On National Rifle Association matches, the appeal will be addressed and delivered to the Secretary of the National Rifle Association. Appeal from decision on National Individual Pistol Match will be addressed and delivered to the Executive Officer, National Board for the Promotion of Rifle Practice.

17. *Awards by the National Board for the Promotion of Rifle Practice.* Distribution of medals and trophies won in the National Trophy Match will be made at the office of the National Board for the Promotion of Rifle Practice in Washington, D. C. All correspondence concerning such medals and other badges will be conducted with the Washington office. Qualification insignia will be issued from the Washington office of the Director of Civilian Marksmanship after the close of the matches.

18. *Same pistol used.* Two or more competitors may use the same pistol in any competition. However, the application of this rule will not be permitted to interfere with the routine squadding of pistol matches; and no squadding changes will be made to adjust conflicts caused by this practice.

19. *National Trophy Match.* For the National Trophy matches only, the following provisions will apply:

a. *Malfunction.* When a competitor claims inability to complete his score at timed or rapid fire within the time limit because of a defective cartridge or disabled piece, the range officer, if satisfied that conditions are as claimed by the competitor, will permit him to refire a complete score as soon as may be practicable. No competitor will refire any record score more than once because of a defective cartridge or disabled piece. Such shots as may have been fired in the original score will not be marked or scored.

b. *Defective cartridge.* A defective cartridge is defined as one which clearly shows the imprint of the firing pin on the primer. The imprint of the firing pin on the primer will clearly constitute a misfire without further test.

c. *Disabled piece.* An unserviceable or disabled piece is a pistol which is pronounced, by a range officer, as unsuitable for match competition.

d. *Procedure in case of malfunction.* In case of malfunction for any reason whatsoever, the competitor will immediately assume and hold the position of "raise pistol" and call a range officer, whose duty it will be to draw back the slide and investigate the malfunction. The competitor will not clear the malfunction or draw the slide to the rear.

SEC. VII. *Description of arms and ammunition*—1. *Pistols and revolvers*—a. *National Trophy Match.* Arm—Pistol, U. S. caliber .45, M1911 or M1911A1, having not less than 4-pound trigger pull, issued by the Army Ordnance Department, or the same type and caliber of commercially manufactured pistol, privately owned, which must be equipped with fixed sights, the front sight, blade type (not undercut) and the rear sight an open U or rectangular notch, and issue or factory standard stocks. Except as indicated above, the parts of the pistol may be specially fitted and include alterations which will improve the functioning and accuracy of the arm, provided such alterations do not interfere with the functioning of the safety devices as manufactured.

b. *National Rifle Association Matches.* As prescribed in the conditions of each match.

2. *Pistol ammunition.* a. Pistol ammunition furnished at the national matches will be issued by the range personnel to competitors at the firing points for practice and for match firing.

b. In the National Trophy Match no pistol ammunition other than that issued on the firing point will be used.

c. In revolver or pistol matches of the National Rifle Association any ammunition may be used. (Sec. 1, 45 Stat. 786; 32 U. S. C. 181a)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-7106; Filed, July 29, 1947; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2881]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF HEARING

The application of Pan American Airways, Inc., under section 401 of the Civil Aeronautics Act, as amended, for amendment of its certificate of public convenience and necessity with respect to air transportation between the United States and Australia to include Melbourne, Australia as an intermediate point thereon.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 801 and 1102 of the said act, that a hearing in the above-entitled matter is assigned to be held on August 4, 1947, at 10 a. m. (daylight saving time) in Room 1302 Temporary Building "T" between 13th and 14th Streets on Constitution Avenue N. W., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed amendment will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and Australia.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before August 4, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details concerning the proposed amendment and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 24, 1947.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 47-7095; Filed, July 29, 1947; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-892]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 22, 1947, and the supplement thereto filed June 12, 1947, by Central Kentucky Natural Gas Company (Applicant) a Kentucky corporation having its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional natural gas facilities as fully described in such application on file with the Commission and open to public inspection; and

It appearing to the Commission that: (a) Temporary authorization to construct and operate the facilities above referred to was granted by the Commission on July 18, 1947.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 13, 1947 (12 F. R. 3131-32)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, (effective September 11, 1946), a hearing be held on August 7, 1947, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding; *Provided, however,* That if no request to be heard, or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: July 24, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7092; Filed, July 29, 1947; 8:47 a. m.]

[Docket No. G-916]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 26, 1947, by Consolidated Gas Utilities Corporation (Applicant) a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946) Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 17, 1947 (12 F. R. 4771),

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 11, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and

37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946)

Date of issuance: July 24, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7091; Filed, July 29, 1947; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 253]

RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, of WFE 66647 tomatoes, by Jack Carl Company, to Senter Brothers, New York, New York (PRR), now on hand on the Wabash Railway, 25th Street Team Track, Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of July 1947.

HOMER C. KING, *Director*

[F. R. Doc. 47-7108; Filed, July 29, 1947; 8:50 a. m.]

[No. 29765, Supp. Order]

GREAT NORTHERN RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT PORTLAND, OREG.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of July A. D. 1947.

It appearing, that, by order dated June 9, 1947, the Commission, upon its own motion, instituted an investigation into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between freight stations of common carriers and freight forwarders and other points in the terminal area of Portland, Oreg., with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record;

It further appearing, that certain common carriers by railroad and motor vehicle and certain freight forwarders listed in the appendix to said order were made respondents to this proceeding;

And it further appearing that the common carriers by motor vehicle listed below also serve the terminal area of Portland, and should be made additional respondents to this proceeding;

It is ordered, That the said order of June 9, 1947, be, and it is hereby, amended so as to make as additional respondents to this proceeding the following common carriers by motor vehicle:

Forney & Sons, Inc., dba Forney Freight Lines, MC 252.
George Giffin, Franklin Johnson and Albert Opperman, dba Robertson Freight Lines, MC 106204.
Inland Motor Freight, MC 59077.
Interstate Freight Lines, Inc., MC 1129.
Pacific Highway Transport, Inc., MC 52920.
Portland-Seattle Auto Freight, Inc., MC 66976.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on September 29, 1947, at 9:30 a. m., U. S. Standard Time, at Hotel Multnomah, Portland, Oreg.

And it is further ordered, That a copy of this order be served on each of the original respondents, and said additional respondents to this proceeding, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W P BARTEL, *Secretary.*

[F. R. Doc. 47-7107; Filed, July 29, 1947; 8:49 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-23]

SARATOGA ASSOCIATION

CONSENT ORDER

The Saratoga Association, a New York corporation with its principal office and place of business at Union Avenue, Saratoga Springs, New York, is engaged in the business of running a horse racing track in Saratoga Springs, New York. It is charged by the Office of the Housing Expediter with violations of Veterans' Housing Program Order 1 in that on or about March 1, 1947, it began construction, repairs, additions and alterations, without authorization and at a cost in excess of $1,000 each, of work in a grandstand and work in a clubhouse located at Saratoga Springs, New York, and thereafter and prior to April 25, 1947, carried on construction, repairs, additions and alterations, without authorization and at a cost in excess of $2,500 each, of work in the same projects. Such work would likewise be a violation of the Construction Limitation Regulation issued June 30, 1947, under the Housing and Rent Act of 1947. The Saratoga Association thereafter, on or about May 12, 1947, received approval from the Office of the Housing Expediter to do certain minimum work necessary by case number 2-3-2118 for the grandstand at a cost of $100 and by case number 2-3-2117 for the clubhouse at a cost of $815.28. This work has not yet been done.

The Saratoga Association admits the violations charged, does not desire to contest them, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of The Saratoga Association, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither The Saratoga Association, its successors or assigns, nor any other person shall do any further construction on or in the grandstand or the clubhouse located at its race track at Saratoga Springs, New York, including the putting up, completing or altering of any of the structures located thereon, unless hereafter specifically authorized in writing by the Office of the Housing Expediter, except as specifically authorized by case numbers 2-3-2118 and 2-3-2117 of the Office of the Housing Expediter issued on or about May 12, 1947.

(b) The Saratoga Association shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve The Saratoga Association, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V SARCONE, *Authorizing Officer*

[F. R. Doc. 47-7209; Filed, July 29, 1947; 10:08 a. m.]

[C-31]

GLEASON'S RATHSKELLER, INC. AND GEORGE J. SWEENEY, ROSE M. SWEENEY, A. L. CHRETIEN

CONSENT ORDER

Gleason's Rathskeller, Inc., of 19–25 Suffolk Street, Holyoke, Massachusetts, began alterations on a building at the above address to convert an existing barroom into a cocktail lounge, to convert empty store space into a barroom, to perform repair work and alterations to a basement, and to convert the second floor of the building into a nightclub. The contractor is A. L. Chretien of 380 High Street, Holyoke, Massachusetts. The President of the corporation is George J. Sweeney of 324 Franklin Street, Holyoke, Massachusetts. George J. Sweeney and his wife, Rose M. Sweeney, are owners of the premises. Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien are charged by the Office of the Housing Expediter with having commenced the foregoing construction on or about April 17, 1947, without authorization, which construction was not permitted under any exemption provided for in Veterans' Housing Program Order 1 and therefore constituted a violation of that order, and continuation of certain portions of this construction for amusement or recreational purposes would be in violation of Construction Limitation Regulation, issued June 30, 1947 under the Housing and Rent Act of 1947. Construction was commenced although George J. Sweeney had visited the office of the Housing Expediter in Springfield, Massachusetts, on February 6, 1947, and had been advised that the project could not be begun unless authorized.

Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien admit the violation as charged and consent to the issuance of this order.

Wherefore, upon the agreement and consent of Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien, the Regional Compliance Director, and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*; That:

(a) Neither Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, A. L. Chretien, their successors or assigns, nor any other person shall do any further construction on the premises on Suffolk Street, Holyoke, Massachusetts, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) The provisions of paragraph (a) above shall not apply to that part of the building to be used as a restaurant nor to the work specifically authorized by the Office of the Housing Expediter on June 19, 1947, under Serial No. 1–2–994 to protect the present structure from the elements and meet public safety requirements.

(c) Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter to do any further construction on this project.

(d) Nothing contained in this order shall be deemed to relieve Gleason's Rathskeller, Inc., George J. Sweeney, Rose M. Sweeney, and A. L. Chretien, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7210; Filed, July 29, 1947; 10:08 a. m.]

[C-35]

MIDSTATE AMUSEMENT CO.

CONSENT ORDER

Midstate Amusement Company is charged with having begun construction in the nature of major alterations to the Liberty Theater Building on Sixth Street in Sunnyside, Washington, on or about the 11th day of February, 1947, at an estimated cost of $11,000, without authorization from the Office of the Housing Expediter. The beginning of construction as aforesaid constituted violation of Veterans' Housing Program Order 1, as amended October 7, 1946, and carrying on of construction would be in violation of Construction Limitation Regulation, issued June 30, 1947, under the Housing and Rent Act of 1947.

Midstate Amusement Company admits the violation as charged, but denies that it was wilful and has consented to the issuance of this order:

Wherefore, upon the agreement and consent of Midstate Amusement Company, the Regional Compliance Director and the Regional Compliance Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Midstate Amusement Company, its successors or assigns, nor any other person or corporation, shall do any further construction in the nature of alterations to the Liberty Theater Building on Sixth Street in Sunnyside, Washington, including the putting up, completing or altering of the said structure unless hereafter specifically authorized by the Office of the Housing Expediter.

(b) Midstate Amusement Company shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Midstate Amusement Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of July 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47-7211; Filed, July 29, 1947; 10:03 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-36]

MIDLAND UNITED CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of July 1947.

In the matter of Hugh M. Morris, surviving trustee of the estate of Midland United Company; File No. 30-36.

Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), reciting, among other things, that a joint modified plan of reorganization for Midland United Company, and its subsidiary, Midland Utilities Company, filed pursuant to section 11 (f) of the act and Chapter X of the Bankruptcy Act, was confirmed by the United States District Court for the District of Delaware ("Court") on April 7, 1945, and has since been consummated; that on May 25, 1945, Hugh M. Morris, pursuant to an order of the Court, divested himself of all right, title, and interest in and to all assets held by him as Trustee, and as a result of such acquisition taken by him, he does not own, control or hold with power to vote, directly or indirectly, 10% or more of the outstanding voting securities of a public utility company or a holding company; and that, pursuant to an order of the Court, Hugh M. Morris has been discharged as Surviving Trustee of the Estate of Midland United Company; and requesting that the Commission find and declare by order that Hugh M. Morris, as Surviving Trustee of the Estate of Midland United Company, has ceased to be a holding company; and

A notice of filing having been issued on June 30, 1947, with respect to said application and notice having stated that any interested person may, not later than July 15, 1947, request the Commission in writing that a hearing be held on such matter and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, has ceased to be a holding company and that his registration as a holding company should cease to be in effect and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration:

It is ordered and declared, That Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, has ceased to be a holding company and that the registration of Hugh M. Morris, formerly Surviving Trustee of the Estate of Midland United Company, as a holding company shall from the date of the entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7097; Filed, July 29, 1947; 8:48 a. m.]

[File No. 68-90]

VICTOR F. SHERONAS ET AL.

ORDER ACCELERATING EFFECTIVENESS OF DECLARATION AND GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July 1947.

In the matter of Victor F. Sheronas, A. Robert Bast, and John Hyland Dilks, Protective Committee of Public Holders of 6% cumulative preferred stock of Philadelphia Company; File No. 68-90.

A declaration and amendments thereto with respect to the solicitation of the holders of the publicly-held 6% cumulative preferred stock of Philadelphia Company pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935 ("act") and an application for an exemption pursuant to Rule U-100 promulgated under the act having been filed by Victor F. Sheronas, A. Robert Bast, and John Hyland Dilks, members of a Protective Committee of Public Holders of 6% cumulative preferred stock of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company, also a registered holding company; and

Said application having been further amended in effect to withdraw from committee membership A. Robert East and to substitute in his place and stead, Charles S. Rockey; and

Said application for exemption pursuant to Rule U-100 reciting that certain partners of the firm of Murdoch, Paxson, Kalish & Dilworth of which Frank B. Murdoch, Esquire, counsel for declarants is a member, serve as directors or trustees of and counsel for various specified financial, educational, charitable, and similar institutions which either presently own or may hereafter desire to buy or sell stock or securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

Said application further reciting that the partners of said firm of Murdoch, Paxson, Kalish & Dilworth have agreed that during the period of the proceedings with respect to Philadelphia Company, et al. (File Nos. 59-88 and 59-9) to refrain from the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or its affiliated or associated companies and that the partners of said law firm who serve as directors have also agreed not to participate in any discussions of committees or boards of directors or trustees of such specified institutions with respect to the securities of Philadelphio Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

Said applicants-declarants having requested that the specified financial, educational, charitable or similar institutions as aforesaid be exempt from the application of subdivision (g) (2) of Rule U-62 promulgated under the act, with respect to the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or affiliated or associated companies; and

The applicants-declarants herein having requested that the declaration, as amended, for the solicitation of the holders of 6% cumulative preferred stock of Philadelphia Company be permitted to become effective prior to the expiration of the fourth day from the filing of the last amendment to said declaration; and

It appearing to the Commission that it is appropriate to accelerate the effectiveness of the declaration, as amended, filed pursuant to Rule U-62 and that the requirements of subdivision (g) (2) of Rule U-62, as applied to the aforesaid institutions, are not necessary or appropriate in the public interest or for the protection of investors and consumers;

It is ordered, Pursuant to subdivision (d) (2) of Rule U-62 that said declaration, as amended, for the solicitation of the holders of the publicly-held 6% cumulate preferred stock of Philadelphia Company, be, and the same hereby is, permitted to become effective forthwith; and

It is further ordered, Pursuant to Rule U-100 (a) that said application for the exemption of the specified financial, educational, charitable or similar institutions as aforesaid from the provisions of subdivision (g) (2) of Rule U-62 with respect to the purchase or sale of securities issued by Philadelphia Company, its parent, Standard Gas and Electric Company, or its affiliated or associated companies be, and the same hereby is, granted subject to the conditions contained in said application and declaration, as amended, and referred to above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7102; Filed, July 29, 1947; 8:49 a. m.]

[File No. 70-1530]

PUBLIC SERVICE COMPANY OF NEW MEXICO

MEMORANDUM OPINION AND SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE AND CONTINUING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of July A. D. 1947.

On June 26, 1947, we issued our memorandum findings and opinion in this matter permitting, among other things, the issue and sale by Public Service Company of New Mexico ("Public Service") of $6,800,000 principal amount of First Mortgage Bonds, --% Series due 1977, and 20,000 shares of $100 par value --% Cumulative Preferred Stock, subject to the condition that said sale of the aforementioned bonds and preferred stock should not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order entered in the light of the record so completed.

The company filed an amendment on July 10, 1947 herein stating that the First Mortgage Bonds and Cumulative Preferred Stock were offered for sale pursuant to the competitive bidding requirements of Rule U-50, that six bids were submitted for the bonds, and that the company accepted a bid for the bonds but that no bids were received for the Cumulative Preferred Stock.

On July 10, 1947, we issued our supplemental order pursuant to Rule U-50 releasing the jurisdiction heretofore reserved with respect to the results of competitive bidding in connection with the sale of the said bonds, but continuing the jurisdiction heretofore reserved with respect to the sale of Preferred Stock.

The company has now filed a further amendment herein proposing to borrow $1,000,000 from the Irving Trust Company and to issue in evidence thereof its 2% Promissory Note with a maturity of nine months. The proceeds of the said note are to be used for construction purposes, as heretofore set forth in this proceeding. The amount of such note will constitute approximately 9.5% of the principal amount and par value of the other outstanding securities of Public Service and authorization to issue said note is requested pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935.

The record indicates that the present proposal is a temporary expedient and that, subject to market conditions, the company will refinance the said note, before the maturity date thereof, by the sale of preferred stock.

Under the circumstances of this case as disclosed by the record, we are of the opinion that, pursuant to the first sentence of section 6 (b) of the act, the issuance of the proposed note is appropriate in the public interest and for the protection of investors and consumers.

It is therefore ordered, That the application and declaration filed herein, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the sale at competitive bidding of the Cumulative Preferred Stock by Public Service Company of New Mexico as prescribed in said order of June 26, 1947, be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7099; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1552]

PACIFIC POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING JOINT APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July A. D. 1947.

American Power & Light Company ("American") a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Pacific Power & Light Company ("Pacific") an electric utility subsidiary of American, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a) 7, 9 (a) 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-50 thereunder regarding (a) the issuance of $29,000,000 principal amount of first mortgage bonds, __% Series due 1977, of which $26,900,000 principal amount are to be sold pursuant to the competitive bidding requirements of Rule U-50 and $2,100,000 principal amount are to be exchanged for a like principal amount of Northwestern Electric Company 4½% debentures due 1959 owned by American and assumed by Pacific; and (b) to issue and sell at private sale $4,000,000 principal amount of 2% ten-year serial notes payable in twenty equal semi-annual installments; and

The Commission having by order dated July 11, 1947 (as modified by a supplemental order dated July 14, 1947), granted and permitted to become effective said joint application-declaration, as amended, subject to the condition that the proposed issue and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by the Commission in light of the record as so completed, and subject, further, to a reservation of jurisdiction with respect to the payment of all counsel fees and expenses in connection with the proposed transactions; and

American and Pacific having filed a further amendment to their joint application-declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to an invitation for competitive bids, three bids on such bonds by three groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
W. C. Langley & Co.[1] The First Boston Corp. Blyth & Co., Inc.[1] White, Weld & Co. Smith, Barney & Co. Halsey, Stuart & Co., Inc.	3.25	101.814	3.1560
	3.25	101.045	3.1956
	3.25	100.439	3.2271

[1] Bid jointly.

Said amendment to the joint application-declaration having contained the statement that Pacific has accepted the bid of the group headed jointly by W. C. Langley & Co. and The First Boston Corporation as set out above, and that the bonds will be offered for sale to the public at a price of 102.91% of the principal amount thereof, resulting in an underwriter's spread of 1.096% of the principal amount of said bonds; and

The Commission finding that the proposed payments of counsel fees in the amounts of $15,000 to Reid & Priest, New York counsel for Pacific, $7,500 to Laing, Gray & Smith, general counsel for Pacific, and $12,500 to Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for the successful bidders for such bonds, whose fee is to be paid by the successful bidder, are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms or conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released, and that the amendment filed on July 23, 1947, to the joint application-declaration be, and the same hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction heretofore reserved with respect to fees and expenses of counsel in connection with the issue and sale of said bonds, including the fees payable to counsel for the successful bidder, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7101; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1555]

LOUISVILLE GAS AND ELECTRIC CO. (DELAWARE) AND LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY)

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of July 1947.

Louisville Gas and Electric Company, a Delaware corporation ("Louisville of Delaware") a registered holding company subsidiary of Standard Gas and Electric Company, also a registered holding company, and its subsidiary, Louisville Gas and Electric Company, a Kentucky corporation ("Louisville of Kentucky") have filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act") and the general rules and regulations promulgated thereunder regarding the following proposed transactions:

Louisville of Kentucky will issue and sell 34,864 additional shares of its no par value common stock to Louisville of Delaware, at $25 per share, aggregating an investment of approximately $871,600. This will increase the holdings of Louisville of Delaware in such common stock to 918,025 shares, which shares are proposed to be distributed by Louisville of Delaware under its Second Amended Plan for liquidation filed pursuant to section 11 (e) of the act (File Nos. 59-78, 54-113 and 70-1015) The proceeds from such sale will be used by Louisville of Kentucky to reimburse, in part, its treasury for funds expended for construction purposes.

The proposed issuance and sale of said securities have been authorized by the Public Service Commission of Kentucky by order dated June 11, 1947.

The application-declaration having been filed on June 23, 1947, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act; and a copy of said notice having been mailed to each of the holders of the common stock of Louisville of Kentucky in compliance with the order of this Commission as set forth in said notice; and the Commission not having received a request for hearing with respect to said application or declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions meet the requirements of section 6, 7, 9, 10 and 12 (f) of the act and Rules U-23, U-24 and U-43 promulgated thereunder and that no adverse findings are necessary thereunder:

It is hereby ordered, That the application and declaration, be and the same are, respectively, hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7093; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1563]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Electric Bond and Share Company ("Bond and Share") a registered holding company having filed an application-declaration with this Commission pursuant to sections 6 (a) (2), 12 (c) 14 and 15 of the act and Rules U-23 and U-46 promulgated thereunder with respect to the following transactions:

Bond and Share proposes to restate its accounts as of January 1, 1945, and to set up on its books an "Accounting Reorganization Account" in the total amount of $460,571,680. This account will be created by the transfer of (a) the stated value of the $5 and $6 Preferred Stock as of January 1, 1945, amounting to $107,540,000; (b) Capital Surplus (including reserve created therefrom) as of

January 1, 1945, amounting to $328,067,986; and (c) Earned Surplus as of January 1, 1945, amounting to $24,963,694 (after provision for preferred stock dividends or equivalent to date of retirement) From this account $280,000,000 is proposed to be allocated to Investment Reserves as follows: (a) United States Utilities $80,000,000 and (b) Foreign Utilities $200,000,000. The balance of the Accounting Reorganization Account amounting to $180,571,680 together with Capital Surplus additions to December 31, 1946, resulting from the acquisition and retirement of preferred stocks, amounting to $27,617, will be transferred to a Capital Adjustment and Contingency Reserve, which will include provisions for (a) the payment to Bond and Share's preferred stocks of $70 per share in the aggregate amount of $73,029,600; (b) an amount not in excess of $30,000,000 to be available for adjustment of Investment Reserves—Foreign Utilities; and (c) all other charges in connection with action taken by Bond and Share towards compliance with section 11 of the act. Any balance in said account remaining upon consummation of the program for conformance with section 11 of the act and other related matters will be transferred to Capital Surplus.

Applicant-declarant states that its program for conformance with the act as evidenced by various plans heretofore filed by it pursuant to section 11 (e) of the act provides for disposal of the company's investment in domestic public utilities; that the amounts realizable by the company upon sale or disposal of such investments is substantially lower than the ledger value of such investments; and that the plan of reorganization dated October 25, 1944 and amended May 22, 1947 which was filed by its subsidiary, American & Foreign Power Company Inc. ("Foreign Power") and joined in by Bond and Share, provides for the surrender of Bond and Share's interests in Foreign Power and in the latter's subsidiary, Cuban Electric Company, for securities of a substantially different nature, the value of which is estimated by the applicant-declarant to be considerably lower than the ledger value of its present holdings in Foreign Power.

Applicant-declarant further states that as a result of its joinder in the plan of reorganization of Foreign Power and the required provision for other adjustments in the ledger value of Investment Securities and Advances of the company, an accounting reorganization is necessary.

In addition, by order of this Commission dated July 18, 1946, Bond and Share was ordered to record its investments in the common stocks of Birmingham Electric Company, Carolina Power & Light Company, and Pennsylvania Power & Light Company and its remaining investment in National Power & Light Company, a registered holding company, at such amounts and in such manner as the Commission may approve or direct. The applicant-declarant states that the transactions hereinbefore described will in effect meet the requirements of such order inasmuch as such common stocks are required to be disposed of subject to further order of the Commission by October 6, 1947.

The application having been filed on June 27, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors or consumers said application-declaration be granted and permitted to become effective, and deeming it appropriate to grant the request of the applicant that the order become effective at the earliest possible date:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions contained in Rule U-24 that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7105; Filed, July 29, 1947; 8:49 a. m.]

[File No. 70-1564]

WISCONSIN PUBLIC SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of July 1947.

Wisconsin Public Service Corporation ("Wisconsin") a public utility company and an exempt holding company and a subsidiary of Standard Gas and Electric Company, a registered holding company, having filed an application-declaration and amendment thereto in which sections 9, 10 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-41 and U-46 promulgated thereunder are designated as applicable to the following transactions:

Wisconsin proposes to purchase, pursuant to contracts and options now in effect, all of the 240 shares of issued and outstanding capital stock of Coleman-Pound Light and Power Company ("Coleman-Pound"), an electric public utility company which distributes electric energy purchased from Wisconsin and serves approximately 335 customers in the villages of Pound and Coleman, Marinette County, Wisconsin. The consideration to be paid for said shares of capital stock is stated to be $254.23 per share, or a total of $61,015.20. As soon as possible after acquisition of all of the outstanding shares of capital stock of Coleman-Pound, the applicant-declarant proposes to acquire all the assets of Coleman-Pound and to dissolve said Coleman-Pound.

The Public Service Commission of Wisconsin, in which State both Wisconsin and Coleman-Pound are incorporated and doing business, has approved the acquisition of the shares of stock of Coleman-Pound by Wisconsin and has also granted its approval to the merger of Coleman-Pound into Wisconsin. In accordance with the order of the Public Service Commission of Wisconsin, approving the acquisition of the capital stock of Coleman-Pound, Wisconsin proposes to charge $41,891 to its earned surplus account, representing the excess of the purchase price of such stock over the value thereof as found by the Wisconsin Commission.

Said application-declaration having been filed on June 30, 1947, and an amendment thereto having been filed on July 21, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant-declarant having requested that the Commission's order become effective upon the issuance thereof in order that the company may consummate the proposed transactions without delay; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective and further deeming it appropriate to grant applicant-declarant's request that the Commission's order herein become effective immediately upon the issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-7100; Filed, July 29, 1947; 8:48 a. m.]

[File No. 70-1569]

PENN STATE WATER CORP. AND AMERICAN WATER WORKS AND ELECTRIC COMPANY, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder by Penn State Water Corporation ("Penn State") an indirect subsidiary of American Water Works and Electric Company, Incorporated, ("American"), a registered holding company.

Notice is further given that any interested person may, not later than August 4, 1947, at 5: 30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Street, Philadelphia 3, Pa. At any time after August 4, 1947, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

Penn State proposes to make a capital contribution of $75,000 in cash to its subsidiary, The Dorchester Water Company ("Dorchester"). Penn State owns all of the outstanding common stock of Dorchester consisting of 1,716.7 shares, no par value. The proposed capital contribution is to be added by Penn State to its investment in the common stock of Dorchester and is to be credited by Dorchester to its capital surplus.

Dorchester is to use this cash, together with other funds, to carry out a construction program made necessary by increased demands for water service. It is estimated that the total cost of such construction program for the period from May 31, 1947, to December 31, 1947, will be approximately $115,000. It is represented that no expenses are to be incurred in connection with the proposed transaction.

The filing requests that the Commission's order permitting the declaration to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 47-7103; Filed, July 29, 1947; 8:49 a. m.]

[File No. 70-1570]

AMERICAN WATER WORKS AND ELECTRIC CO., INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder by American Water Works and Electric Company, Incorporated ("American") a registered Holding Company.

Notice is further given that any interested person may, not later than August 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa. At any time after August 4, 1947, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below:

American proposes to make a capital contribution of $250,000 in cash to its subsidiary, South Pittsburgh Water Company ("South Pittsburgh"). American owns 99.93% of the outstanding common stock of South Pittsburgh consisting of 350,000 shares, par value $10 a share. The proposed capital contribution is to be added by American to its investment in the common stock of South Pittsburgh and will be credited by South Pittsburgh to its capital surplus.

South Pittsburgh is to use this cash, together with other funds, to carry out a proposed construction program, made necessary by increased demands for water service. It is estimated that the total cost of such construction program during the year 1947 is to be $815,000, of which approximately $550,000 remains to be expended subsequent to May 31, 1947. It is represented that no expenses are to be incurred in connection with the proposed transactions.

The filing requests that the Commission's Order permitting the declaration to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 47-7104; Filed, July 29, 1947; 8:49 a. m.]

[File No. 812-502]

MORRIS PLAN CORP. OF AMERICA ET AL.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of July A. D. 1947.

In the matter of The Morris Plan Corporation of America, American General Corporation, and William G. Avery, et al., File No. 812-502.

Notice is hereby given that The Morris Plan Corporation of America (Morris Plan) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said act, certain transactions in which William G. Avery, Louis A. Welch, Jr., and Edwin E. Miller propose to purchase from Morris Plan a total of 500 shares of the capital stock of The Industrial Bank of Schenectady (Bank) for the sum of $10,105, a purchase price of $20.21 per share.

The proposed purchasers are directors of the Bank which is a majority-owned subsidiary of Morris Plan. American General Corporation (American) a registered investment company, controls Morris Plan, therefore, the purchasers are affiliated persons of an affiliated person of American and the proposed transactions are prohibited by section 17 (a) (2) of the act.

The proposed purchase price, which is equal to the book value of $20.21 per share for the stock as of May 31, 1947, is subject to revision downward to the extent that any dividend declaration after May 31, 1947 and prior to the date of sale reduces the book value below $20.21 per share. Over the ten year period 1937-1946 the per share net earnings of the Bank fluctuated between $0.95 in 1945 and $2.61 in 1939 and averaged $1.99 per year after taxes. In 1946 the net earnings amounted to $2.34 per share. The purchase price is approximately 10.2 times the average per share net earnings of the Bank over the ten year period and slightly less than nine times the per share net earnings for 1946. The stock is not listed on a national securities exchange or traded on an over-the-counter market. Sales occur infrequently, about once or twice a year, and usually are the result of estate liquidations. The stock is quoted in Schenectady, New York, the most recent quotation being $20 Bid, $21 Offered. The purchase contracts provide that upon the demise of a purchaser, or in the event that a purchaser desires to dispose of the stock, the stock must be offered to Morris Plan for repurchase at the then book value.

All interested persons are referred to said application, which is on file at the Philadelphia, Pennsylvania offices of this Commission, for a more detailed statement of the matters of fact and law therein asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination: whether the terms of the proposed transactions, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed transactions are consistent with the policy of American

General Corporation as recited in its registration statement and reports filed under the act; and, whether the proposed transactions are consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 13th day of August 1947 at 10:00 a. m., eastern daylight saving time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to The Morris Plan Corporation of America, American General Corporation, William G. Avery, Louis A. Welch, Jr., Edwin E. Miller and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise wishing to participate in said proceedings should file with the Secretary of the Commission, on or before August 11, 1947, his application therefore as provided by Rule XVII of the rules of practice of the Commission setting forth therein any of the above issues of law or fact which he desires to contravert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-7096; Filed, July 29, 1947; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9368]

LEONHARD ENGERER ET AL.

In re: Interests in agreement owned by Leonhard Engerer and others. F-28-9638-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the following persons, whose names and last known addresses are hereinafter set forth below:

Names and Addresses

Leonhard Engerer, Obernzenn, Germany.
Balthazar Engerer, Obernzenn, Germany.
Eva Engerer, Nurnberg, Germany.
Babette Zoellner, Nurnberg, Germany.
Anna Korn, Nurnberg, Germany.
Hans Engerer, Obernzenn, Germany.
Anna Hoerner, Obernzenn, Germany.
Johann Leonhard, also known as Hans Keitel, Germany.
Johann Georg Keitel, Germany.
George Leonhard Keitel, Germany.
Friedrich Keitel, Germany.
Babetta Hetzner, also known as Babette Hetzner, Germany.
Johann Friedrich Korn, Germany.
Fritz Korn, Germany.
Johann Georg Korn, Germany.

are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Leonhard Engerer, Balthazar Engerer, Eva Engerer, Babette Zoellner, Anna Korn, Hans Engerer, Anna Hoerner, Johann Leonhard, also known as Hans Keitel, Johann Georg Keitel, Georg Leonhard Keitel, Friedrich Keitel, Babetta Hetzner, also known as Babette Hetzner, Johann Friedrich Korn, Fritz Korn, and Johann Georg Korn, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, arising under that certain agreement, dated March 25, 1941 (including all modifications thereof and supplements thereto, if any) by and between City Title Insurance Company and Maxwell C. Katz and Otto C. Sommerich, as attorneys and attorneys-in-fact for the persons set forth above, which agreement relates, among other things, to an escrow deposit, in the amount of $3,750.00,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7119; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9383]

CARL BRAND

In re: Stock owned by Carl Brand. F-28-8477-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Brand, whose last known address is Euerdorf 23, Bayern, Unterfranken, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: Fifty (50) shares of no par value common capital stock of Phillips Petroleum Company, 80 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 0160010, registered in the name of Carl Brand, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7120; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9413]

HERMAN SCHRODER

In re: Estate of Herman Schroder, deceased. File D-28-10039; E. T. sec. 14236.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Schroder, Anna Segelken, Katrina Schroder, Margaret Wegman, Bertha Marhine, Herman Krentzel and Johan Krentzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children of Anna Segelken, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Herman Schroder, deceased, and in and to the trust created under the will of Herman Schroder, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Lafayette McLaws and Annie Schroder Siceloff, as executors, acting under the judicial supervision of the Ordinary Court of Chatham County, Georgia;

and it is hereby determined:

5. That to the extent that the above-named persons and the children of Anna Segelken, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7121; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9414]

BARMER BANKVEREIN

In re: Bank accounts owned by Barmer Bankverein. F-28-263-E-1, F-28-263-E-2.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barmer Bankverein, the last known address of which is c/o Commerzbank A. G., Hamburg-Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Barmer Bankverein, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Barmer Bankverein, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Barmer Bankverein, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of an unpresented foreign dollar drafts account, entitled Barmer Bankverein, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7122; Filed, July 29, 1947; 8:51 a. m.]

[Vesting Order 9415]

BERTHA BRAUN ET AL.

In re: Stock owned by Bertha Braun and the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased. F-28-25265-A-1, F-28-25265-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Braun, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany)

3. That the property described as follows: Thirty (30) shares of $10.00 par value common capital stock of Ideal Cement Company, 500 Denver National Building, Denver 2, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by a certificate numbered F13973, registered in the name of Alex Braun and Bertha Braun, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bertha Braun and the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Alex Braun, deceased, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7123; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9416]

HEINZ CYRIACKS ET AL.

In re: Bank accounts owned by Heinz Cyriaks, George Cyriacks, and Meta Cyriacks Schroeder, also known as Meta Schroder, also known as Meta Schoreder. F-28-9506-C-1, F-28-9506-E-1, F-28-12160-C-1, F-28-12160-E-1, F-28-9505-E-1, F-28-9505-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Cyriacks, Meta Cyriacks Schroeder, also known as Meta Schroder, also known as Meta Schoreder and George Cyriacks, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Heinz Cyriacks, by Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, Account Number 85432, entitled Heinz Cyriacks, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Meta Cyriacks Schroeder, also known as Meta Schroder, also known as Meta Schoreder, by Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, Account Number 85483, entitled Meta Schoreder, nee Cyriacks, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to George Cyriacks, by Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, Account Number 85484, entitled George Cyriacks, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7124; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9418]

DEUTSCHE MOTOR SERVICE, A. G.

In re: Debt owing to Deutsche Motor Service, A. G. F-28-9543-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Motor Service, A. G., the last known address of which is Berlin-Tempelhof, Germany is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Deutsche Motor Service, A. G., by The Electric Auto-Lite Company, Champlain and Chestnut Streets, Toledo 1, Ohio, in the amount of $1,073.00, as of June 11, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7125; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9419]

EICHBORN & CO.

In re: Bank account owned by Eichborn & Company. F-28-4099-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eichborn & Company, whose last known address is Breslau 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8339, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Eichborn & Company, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Eichborn & Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7126; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9424]

GESINE MAYER AND HENRIETTA KOCH

In re debts owing to Gesine Mayer and Henrietta Koch. F-28-26350-C-1, F-28-26423-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gesine Mayer and Henrietta Koch, whose last known addresses are

Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Gesine Mayer, by Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore, Maryland, in the amount of $488.80, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Henrietta Koch, by Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore, Maryland, in the amount of $777.76, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7127; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9426]

CHRIST MILLER

In re: Bank account owned by Christ Miller. F-28-26366-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christ Miller, whose last known address is Rendsburg i/Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Christ Miller, by American Trust Company, 464 California Street, San Francisco 20, California, arising out of a Checking Account, entitled Christ Miller, maintained at the branch office of the aforesaid bank located at 1011 10th Street, Sacramento, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7128; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9428]

ELSE NAEVE ET AL.

In re: Stock owned by Else Naeve, Minna Naeve, Otto Naeve, and Christine Struve. F-28-25907-D-1, F-28-25910-D-1, F-28-25912-D-1, F-28-25914-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Naeve, Minna Naeve, Otto Naeve, and Christine Struve, whose last known addresses are Itzehoe, Holstein, Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: Sixteen (16) shares of $10.00 par value common capital stock of Schlage Lock Company, P. O. Box 3324, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate Nos.	Number of shares
Else Naeve	B125	4
Minna Naeve	B123	4
Otto Naeve	B122	4
Christine Struve	B124	4

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7129; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9429]

B. & E. SACHS

In re: Bank account owned by B. & E. Sachs. F-28-1033-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That B. & E. Sachs, the last known address of which is 20 Oberwallstrasse, Berlin W. 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to B. & E. Sachs, by The New

York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled E. & E. Sachs, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7130; Filed, July 29, 1947; 8:52 a. m.]

[Vesting Order 9431]

EMILIE AND OTTO STENGER

In re: Debt owing to Emilie Stenger and Otto Stenger. F-28-2613-C-1, F-28-2614-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Stenger and Otto Stenger, whose last known addresses are Offenbach, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Emilie Stenger and Otto Stenger, by Land Title Bank and Trust Company, Broad and Chestnut Streets, Philadelphia 10, Pennsylvania, in the amount of $480.06, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7131; Filed, July 29, 1947; 8:52 a. m.]

[Return Order 31]

HENRI WOUTER JONKHOFF

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim Number; Notice of Intention to Return Published; Property

Henri Wouter Jonkhoff, New York, New York, Claims Nos. A-262 to A-265, inclusive; 12 F. R. 3579, June 3, 1947; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 1,918,108; 2,015,310; 2,015,311 and 2,083,166, to the extent owned by claimant immediately prior to the vesting thereof.

[1] Filed as part of the original document.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7133; Filed, July 29, 1947; 8:53 a. m.]

[Return Order 32]

STEPHANIE SCHYBILSKY POSAMENT AND JOSEPHINE M. LORSCH

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,[1]

It is ordered, That the claimed property, described below and in the Determinations and Allowance, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number; Notice of Intention to Return Published; Property

Stephanie Schybilsky Posament, Newark, New Jersey, Claim No. 5902; 12 F. R. 3579, June 3, 1947; $2,666.49 in the Treasury of the United States.

Josephine M. Lorsch, c/o Mortimer H. Hess, Attorney-in-fact, New York, New York, Claim No. 5852; 12 F. R. 3757, June 7, 1947; 914.197.57 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 24, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-7134; Filed, July 29, 1947; 8:53 a. m.]

[Vesting Order 9235]

WOLFGANG MUELLER

Correction

In F. R. Doc. No. 47-6535 appearing on page 4660 of the issue for Saturday, July 12, 1947, the vesting order number should appear as set forth above.